

APPROVED by
Order No. V-38 of the Ombudsperson for
Academic Ethics and Procedures of the
Republic of Lithuania of 25 August 2020

RECOMMENDATIONS ON THE PREPARATION, ADAPTATION AND IMPLEMENTATION OF ACADEMIC ETHICS CODES BY RESEARCH AND HIGHER EDUCATION INSTITUTIONS

SECTION I GENERAL PART

1. The purpose of the Recommendations on the Preparation, Adaptation and Implementation of Academic Ethics Codes by the Lithuanian Research and Higher Education Institutions (Recommendations) is to help the research and higher education institutions (RHEI) to prepare thorough, relevant, comprehensive, and advanced codes of academic ethics (Code) that would be in compliance with the international requirements of academic ethics, and to encourage the RHEIs to review, update them regularly and to apply them appropriately.

2. The Recommendations were prepared in accordance with the Guidelines for an Institutional Code of Ethics in Higher Education drawn up by the International Association of Universities and the Magna Charta Observatory, national legal acts, and in consideration to the suggestions of the members of the working group formed by Order No. V-28 of the Ombudsperson for Academic Ethics and Procedures of the Republic of Lithuania of (Ombudsperson) of 17 October 2019 “On formation of the working group” (Annex 1).

SECTION II CONTENT OF THE CODE

3. It is recommended to include the following in the Code:

- 3.1. concepts related to academic ethics (e.g., academic ethics, academic community, violation of academic ethics, etc.);
- 3.2. purposes and functions of the Code;
- 3.3. principles of academic ethics;
- 3.4. forms of conduct that violate the principles of academic ethics and their features;
- 3.5. supervision of application of the Code’s provisions (monitoring, relevance, implementation, etc.).

SECTION III DEFINITION OF THE CONCEPT OF ACADEMIC COMMUNITY

4. According to Paragraph 1 of Article 60 of the Law on Higher Education and Research of the Republic of Lithuania (LHER), the academic community shall consist of “students, the teaching staff, the research staff, other researchers, professors emeritus, researchers emeritus of higher education and research institutions, and other persons, who are directly participating in the activities

of higher education and/or research”. RHEI may elaborate the definition of the academic community according to the institution’s needs; however, the definition cannot contradict LHER.

4.1. It is recommended to RHEI to clearly define the concept of other persons, who are directly participating in the activities of higher education and/or research. It should be noted that the definition of academic community is also provided in the statute/articles of association of the respective RHEI, so, when the Code is prepared, these two documents should supplement each other. Besides, when the concept of persons, who are directly participating in the activities of higher education and/or research, is defined, the character of their functions should be assessed.

4.2. When the scope of the Code is determined, it is recommended to indicate in the Code which definition of the academic community is used (provided in the LHER, statute/articles of association of the respective RHEI or some other internal document of RHEI). The Code has to be applied for all the members of the academic community in the same way. Moreover, the sanctions that may be imposed by the RHEI on establishment of the violation of academic ethics committed by former member of the academic community (e.g., plagiarism in the doctoral dissertation, falsification of the research data in the implemented research project, etc.) have to be provided in the Code.

SECTION IV PURPOSES OF THE CODE

5. To establish the norms of ethical academic conduct.
6. To encourage to embed the content of the principles of academic ethics that would be understood equally by all the members of the academic community.

SECTION V TASKS OF THE CODE

7. To link the research and higher education system with the legal acts that are regulating it directly or indirectly (e.g., Law on Equal Opportunities, Law on Equal Opportunities for Women and Men, Law on Copyright and Related Rights, Law on Prevention of Corruption, Code of Administrative Transgressions, etc.).

8. To provide incentive measures (e.g., acknowledgements, awards, etc.) for fostering, publicising, dissemination of the principles of academic ethics, promotion of compliance with them, and disciplinary measures (e.g., temporary suspension of certain academic activities, dismissal, etc.) for violation of the Code’s provision.

9. The imposition procedure of incentive and disciplinary measures approved in other legal acts of the RHEI shall be explicit and non-discriminating. All the circumstances that affect assessment of alleged unethical conduct shall be indicated clearly (e.g., their character, frequency, intensity (degree of confrontation), place, context, duration). It is recommended to indicate in the Code that the degree of violations of academic ethics may differ (from lightweight to gross). In order to assess the violations objectively, it is recommended to foresee the conditions that may determine the gravity of the committed violation (e.g., consequences, measures that may be undertaken to remove the violations of the academic ethics and/or procedures, their causes, etc.).

10. It should be also noted that the violations of academic ethics shall not be regarded as violations of work duties; therefore, the disciplinary measures imposed for violations of academic ethics have to be provided separately.

SECTION VI PRINCIPLES OF ACADEMIC ETHICS

11. The underlying values of the academic community are defined in Article 3 of the LHER through the principles of higher education and research, Paragraph 2 of Article 4, where the concept of academic ethics is defined, and in the statute/articles of association of the respective RHEI and/or its another document.

12. No hierarchy is applied for the principles of academic ethics.

13. The key principles of the academic ethics are the following:

13.1. Integrity. In promotion of pursuit of truth, knowledge, science and equality, the members of the academic community have to demand for complete integrity in learning, teaching, researching and other functions in other academic activities (e.g., administration functions).

13.2. Trust. In fulfilment of their rights and duties, the members of the academic community have to foster the culture of trust promoting free exchange in ideas and creating conditions for full use of own potential.

13.3. Justice. In order to implement justice and to create interrelations between the members of the academic community, the members of the academic community have to create objective and uniform institutional requirements, practice and procedure, and to assure their appropriate implementation.

13.4. Respect. While promoting the respect in their interrelations, self-respect and respect to others, research activities, studies, the activities related to studies and other activities (e.g., administrative activities), the members of the academic community have to acknowledge and respect human rights, expressed ideas, suggestions, reasonable criticism, copyrights, etc.

13.5. Accountability. While encouraging each other to be responsible for own actions, the members of the academic community have to comply with the requirements of ethical conduct in research, studies, teaching and other academic (e.g., administrative) activities, but also to demand for personal and joint accountability from other members of the academic community.

13.6. Equity. The members of the academic community are equal in front of national legal acts, legal acts approved by RHEI, and in front of the institution's leadership, i.e., it is forbidden to assess essentially the same facts differently wilfully. It does not mean that application of different conditions or different regulation of identical relations is forbidden; however, this is allowed only in objective and justified circumstances.

14. The list of the principles of academic ethics and violating forms of conduct provided in the Code should not and cannot be regarded as finite.

15. The members of the academic community have to comply with the principles of academic ethics described in Clause 13 herein in all the academic relations related to research, studies, the activities related to studies and other (e.g., administrative) activities, in relations with other members of the academic community and with other persons, with whom they are related by research and/or studies (e.g., commissioned research, contracted training, internship, etc.).

SECTION VII

FORMS OF CONDUCT THAT VIOLATE THE PRINCIPLES OF ACADEMIC ETHICS

16. The forms of conduct that violate the academic ethics are characterised by the actions or attempt to perform the actions that cause/create unfair and/or undeserved advantage for oneself or any other member of the academic community or that create groundlessly unfavourable circumstances to any other person.

17. The gross forms of conduct that violate the principles of academic ethics are fabrication, falsification and plagiarism (international acronym – FFP). RHEIs are recommended expanding on own motion the list of forms of conduct that violate the academic ethics, with reference to, *inter alia*, Clause 14 of the Recommendations and sources provided in Annex 2 hereto.

SECTION VIII

ADAPTATION AND AMENDMENT OF THE CODE OF ACADEMIC ETHICS

18. The Code is an *agreement* of all the members of the academic community that determines rights and duties *of all the members of the academic community*; thus, the process of its adaptation and amendment shall be transparent and open, i.e., as big part of the academic community as possible should be included into the preparation and amendment of the Code in the mode selected by RHEI.

19. When the procedures of the Code's adaptation and amendment are drawn up, it is recommended to determine the following:

19.1. how the working group for preparation and amendment of the Code is formed. It is recommended to form an *ad hoc* working group, where part of the members may be not the members of the academic community, but the representatives of other public authorities and/or social partners (stakeholders);

19.2. how the representatives of the groups of the academic community are appointed to the working group. All the groups of the academic community (students, teachers and others – depending on the definition of the academic community applied by respective RHEI) have to appoint their representatives, who do not necessarily need to be the members of that group (e.g., in order to avoid a conflict of interests, the students may appoint any other person as their representative). It is recommended for each group of the academic community to appoint its representatives to the working group according to own procedure, in consideration to the competence of the appointed person in the field of preparation of documents (including the Code) and academic ethics;

19.3. how the procedures of the academic community's involvement into the draft Code prepared by the working group are implemented. It is recommended to convene at least two public presentations and discussions/hearings with the academic community/its representatives about the draft Code. It is recommended to organise the voting on the Code's adaptation only after the discussions/hearings;

19.4. how the adapted Code is approved (e.g., by the Senate's resolution, the rector's order, etc.);

19.5. how and when the Code may and has to be amended (on whose initiative, upon fulfilment of certain conditions, e.g., when the national legal acts, international practice change, etc.);

19.6. how new and present members of the academic community are familiarised with the Code and its amendments (e.g., courses and/or other engagement methods).

SECTION IX SUPERVISION OF COMPLIANCE WITH THE CODE OF ACADEMIC ETHICS

20. It is recommended for the RHEI to assign a person (e.g., a coordinator, officer) and/or to establish a unit (e.g., a committee, commission, subdivision, etc.) in accordance with the internal legal acts and to determine the competence limits according to the type of violations provided in the Code (e.g., officer of discrimination investigations, an employee implementing the provisions of prevention of corruption, etc.). The respective person and/or subdivision should handle the complaints and requests within the determined competence. If the case beyond the competence of the respective subdivision is encountered, the available information about the allegation should be transmitted to the competent person, subdivision of the RHEI or to the public authority.

21. The person and/or subdivision should be competent and assess responsibly, how the Code is complied with in general (e.g., annual or semi-annual reports, seminars for the academic community) and in individual cases (e.g., to carry out the investigation according to the received complaint, request or on own motion);

22. The activities of the person and/or subdivision should be regulated by a separate document (e.g., descriptor of activities, rules, regulation, etc.). The following should be determined in that document:

22.1. procedure of the person's appointment and/or subdivision's formation. The subdivision should be formed from the members of the academic community and representatives of the third parties (social partners (stakeholders)), who have irreproachable reputation, competence to assess, how the RHEI complies with the Code, and experience in the area of implementation of the principles of academic ethics;

22.2. principles of performance of the person and/or subdivision (the duties, while carrying out the investigations according to the received complaints, requests or on own motion). The person and/or subdivision has to be objective, responsible, to make decision in as short period as possible, to listen to all the related parties and to grant the right to be heard, to inform the interested parties, and to assure the confidentiality, anonymity, protection of the whistleblower, etc.;

22.3. the number of tenures of the person and/or subdivision and their maximal number. It is recommended to have the subdivision's members rotate in different stages, i.e., so that the total structure of the subdivision would not change at one time. This may be achieved by setting different appointment time of members (the subdivision's members should start in their positions immediately after the appointment so that the subdivision could work smoothly) with the same duration of the tenure, or by setting the same appointment time of members with different duration of tenures;

22.4. procedure of filing of the complaints and requests to the person and/or subdivision. It should determine the mode and person, to whom the complaints and requests are lodged, the cases when the complaint may be lodged, the term for lodging the complaint after having learnt about the allegation or its commitment, etc. It is recommended to determine, what information should be included into the complaint or request, whether the person and/or subdivision examines anonymous complaints, statements, etc. If the person and/or subdivision refuses to examine the complaint/request that is beyond its competence, the complaining person(s) (Whistleblower) should

be notified thereof and the person and/or institution, whereto the Whistleblower could refer, should be suggested;

22.5. the procedure of handling of allegations of academic ethics and other investigations performed by the person and/or subdivision. It should determine the terms for the case's examination, provisions and means of notification of the parties, personal data protection and protection of the Whistleblower, etc.;

22.6. procedure of organisation of meetings with the person and/or convening of the subdivision's meetings. It is recommended to convene at least one meeting of the subdivision per semester to generally discuss compliance with the Code, development of the means promoting compliance with the Code, its updating, to discuss efficiency of the incentive and disciplinary measures, etc., and in individual cases – to organise a meeting with the person or to convene the subdivision's meeting upon receipt of the complaint/request, when the investigation is initiated on own motion, or when the immediate amendments of the Code are initiated;

22.7. requirements for the decision or conclusion, having handled the allegation of the academic ethics. The person and/or subdivision should make decisions/conclusions in the unanimous form; they should comply with the record-keeping rules and procedure of drawing-up of the documents applied in the respective RHEI. It should be noted that the decision shall be thorough, and the conclusions have to be substantiated: the person(s), whose concrete actions have violated the particular provision of the Code should be indicated, as well as the circumstances that have caused the gravity of the violation, etc. The decision/conclusions should not be limited to the (non-)statement of the violation of general character;

22.8. possibilities of interinstitutional (RHEI level) handling of violations of academic ethics. It is recommended to determine the cases when *ad hoc* subdivisions should be formed to handle interinstitutional violations of academic ethics without prejudice to the autonomy of higher education institutions. The incidents, when interinstitutional (RHEI level) handling of violations of academic ethics may be needed: in joint studies of the third cycle (doctoral studies); co-published scientific journal, etc., when the interested parties/persons who have committed the violation in question are from several different RHEIs. If RHEI does not provide formation of interinstitutional *ad hoc* subdivisions, the rule should be observed that relevant RHEI should be notified about the allegation of academic ethics related to that RHEI once that allegation has been learnt/determined;

22.9. rights of the person and/or subdivision (e.g., to refer to experts, to get consultations, to organise the events of educational character related to application and compliance with the principles of academic ethics to the academic community, etc.);

22.10. procedures of withdrawal, decision-making of the person and/or subdivision, etc., and voting procedure in case of the subdivision. Besides, replacement of the person and/or subdivision's members by others, when it becomes impossible to apply the appropriate procedures properly after withdrawal of the person and/or subdivision's members;

22.11. publicizing activities of the person and/or subdivision (annual reports, decisions/conclusions, etc.) in accordance with the rules of personal data protection valid in RHEI.

SECTION X FINAL PROVISIONS

23. The Recommendations shall be implemented by RHEI by free and deliberate will. RHEI may refer to the Office of the Ombudsperson for Academic Ethics and Procedures of the Republic

of Lithuania (Office) for consultations on drawing-up of the documents according to the Recommendations.

24. When preparing the Code, RHEI shall take not only these Recommendations into consideration, but also the international practice (Annex 2) related to the regulation of the issues of academic ethics, implementation of the provisions of academic ethics, and detection of the violations of academic ethics. The Code has to be updated regularly.

25. The Code shall be available on the websites of respective RHEI in the languages, in which the academic activities are organised.

to the Recommendations on the Preparation, Adaptation and Implementation of Academic Ethics Codes by the Research and Higher Education Institutions

The members of the working group formed by the Ombudsperson's Order No. V-28 of 17 October 2019 "On formation of the working group" for revision of the Recommendations on the Approval, Embedding and Monitoring of Academic Ethics Codes by Research and Higher Education Institutions approved by the Order No. V-16 of the Ombudsperson for Academic Ethics and Procedures of the Republic of Lithuania of 31 March 2015 "On approval of the Recommendations on the Approval, Embedding and Monitoring of Academic Ethics Codes by Research and Higher Education Institutions" are the following:

1. Prof. Dr. Viltė Auruškevičienė, delegated representative of the Lithuanian Business Confederation;
2. Dr. Reda Cimperman, delegated representative of the Research Council of Lithuania;
3. Mantas Gedrimas, delegated representative of the Lithuanian Students' Union;
4. Kamilė Kapočiūtė, Senior Specialist of the Office;
5. Lukas Lisauskas, delegated representative of Vilnius University Students' Union;
6. Vytis Muliolis, delegated representative of the Office of the Equal Opportunities Ombudsperson (member-observer);
7. Andrius Puzas, delegated representative of the Lithuanian Junior Researchers' Union;
8. Aušra Tartilaitė-Paulauskienė, delegated representative of the Rectors' Conference of Lithuanian University Colleges;
9. Acad. Leonas Vaitkūnas, delegated representative of the Lithuanian Academy of Sciences;
10. Prof. Dr. Algimantas Valinevičius, delegated representative of the Lithuanian University Rectors' Conference;
11. Assoc. Prof. Dr. Kęstutis Vitkauskas, delegated representative of the Rectors' Conference of Lithuanian University Colleges;
12. Viktorija Žilinskaitė, delegated representative of the Lithuanian Students' Union.

to the Recommendations on the Preparation, Adaptation and Implementation of Academic Ethics Codes by the Research and Higher Education Institutions

1. Fanelli, D., Ioannidis, J. P. A., & Goodman, S. (2019). Improving the Integrity of Published Science: An Expanded Taxonomy of Retractions and Corrections. *European Journal of Clinical Investigation*, 48, e12898.
2. Hall, J., & Martin, B. R. (2019). Towards a Taxonomy of Research Misconduct: The Case of Business School Research. *Research Policy*, 48(2), 414–427.
3. Janutėnienė, J., Braziulienė, A., Cibulskienė, J., Berkmanas, T., Kližentis, V., Kazlauskaitė, V., Žilinskaitė, V., Vaičaitis, V., & Toleikienė, R. (2020). Seksualinio priekabiavimo prevencijos ir atvejų nagrinėjimo gairės [English: Guidelines on Prevention of Sexual Harassment and Handling of Cases]. Vilnius: Lietuvos universitetų rektorių konferencija [English: Lithuanian University Rectors' Conference].
4. Kumar, M. N. (2008). A Review of the Types of Scientific Misconduct in Biomedical Research. *Journal of Academic Ethics*, 6, 211–228.
5. Rekomendacija dėl mokslo ir Mokslininkų [English: Recommendation on Science and Scientific Researchers]. UNESCO, 2018. Prieiga per internetą: https://unesdoc.unesco.org/ark:/48223/pf0000263618_lit/PDF/263618lit.pdf.multi [žiūrėta 2020-07-27].
6. The Office's guidelines and recommendations (regularly updated) are available on the website of the Office, section "Recommendations" (<https://etikostarnyba.lt/rekomendacijos/>).
7. Tauginienė, L., Cibulskienė, J., Berkmanas, T., Janutėnienė, J., Braziulienė, A., Kazlauskaitė, R., Kližentis, V., Toleikienė, R., Zamokas, G., Sipavičienė, S., Vaičaitis, V. & Marozas, V. (2019). *Publikavimo etika: gairės* [English: Publishing Ethics: Guidelines]. Vilnius: Lietuvos universitetų rektorių konferencija [English: Lithuanian University Rectors' Conference].