



DECISION
OF THE CENTRAL ACADEMIC ETHICS COMMISSION
OF VILNIUS UNIVERSITY

On the appeal of the Chairperson of the Undergraduate Study Programme Committee of /Unit/ ‘/.../’ Assoc. Prof. Dr A. G. of 17 February 2023.

On 17 February 2023, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received an appeal submitted by the Chairperson of the Undergraduate Study Programme Committee of /Unit/ ‘/.../’ Assoc. Prof. Dr A. G. (hereinafter the ‘Applicant’) filed on behalf of the study programme committee, in which the Applicant, in accordance with Article 5(5) of the Statute of Vilnius University and Item 13(5) of the Regulations of the Central Academic Ethics Commission of Vilnius University, requests to assess the fact of participation of Assoc. Prof. Dr J. M. in the OpTV show, including the statements made by Assoc. Prof. Dr J. M. therein, in terms of compliance with the mission of the University enshrined in the Statute of Vilnius University and the Regulations of the Central Academic Ethics Commission.

Having taken note of the appeal lodged by the Applicant and the explanations provided by Assoc. Prof. Dr J. M. as requested by the Commission, the Commission hereby points out that:

1. In its activities, the Commission is guided by the Code of Academic Ethics of Vilnius University approved by the Senate of Vilnius University (current version of Resolution of the Senate of Vilnius University No. SPN-54 of 21 October 2020) (hereinafter the ‘Code of Academic Ethics’) and the Regulations of the Central Academic Ethics Commission of Vilnius University (current version of Resolution of the Senate of Vilnius University No. SPN-55 of 21 October 2020) (hereinafter the ‘Commission Regulations’). The Code of Academic Ethics describes the standards and principles of ethical standards of community members, which must be observed both within the University and outside of it (Item 1 of the Code of Academic Ethics), and also provides examples of unacceptable behaviour at the University and guidelines for the examination of cases of possible violations of academic ethics. The Commission Regulations define the Commission's competency, the decisions that it can possibly make, and describe the Commission's operating procedures.

The Commission thereby acts within the framework of the competency defined in the aforementioned legal acts and by following the principles of dispute settlement related to academic ethics (Article 25(5) of the Statute of Vilnius University and Item 33 of the Commission Regulations), including the dispositiveness principle. In accordance with those provisions and principles, the Commission shall voice its opinion only on the questions which are worded in the appeal and solely within the limits of the competency conferred on it by law, and does not deal with matters beyond the competency of the Commission and the appeal submitted to it.

2. The Applicant's request to investigate the conduct of Assoc. Prof. Dr J. M. (namely their participation in the OpTV show, including the statements made therein) relates primarily to the question of whether the specific conduct sought to be assessed went beyond the limits of the academic freedom of a member of the University community as set out in Item 5 of the Code of Academic Ethics. The Commission notes that the nature and mission of the University and the provisions of the Code of Academic Ethics specifically grant substantially broad academic freedom to members of the University community. Therefore, they have the right to openly voice their opinion, express their critical ideas, freedom to develop scientific activities, and choose the subject and topics of research, including sources, hypotheses and methods. In the case under examination, it should be noted that the broad boundaries of academic freedom recognised by the University allow one's opinion to be freely expressed and provide community members with a free choice of any legal channel to disseminate one's opinion, provided that their source of funding, the reputation of partners or co-workers, nature of the activity, desired outcome and the purpose of the use of work, including any other substantiated reasons, do not provide reasonable grounds to conclude that cooperation with the media channels of the kind would violate academic ethics (Items 5 and 6 of the Code of Academic Ethics). In this context, the mere fact of participation in a show broadcasted on a media channel which is legally operating, even if its activities are ambiguously viewed by society, is not seen as contrary to the Code of Academic Ethics and the mission of Vilnius University enshrined in the Statute of Vilnius University.

3. The Commission also notes that the principle of academic freedom enshrined in Item 5 of the Code of Academic Ethics, like any other principle, has its limits and may be violated. As a result, every member of the University community must exercise academic freedom responsibly. When exercising academic freedom and freely expressing their opinion, a member of the community must do so by demonstrating respect for the opinion of other members of the community, their right to express and defend their opinion, and by choosing an ethical form and manner of speaking, without humiliating members of the community, or derogating their personal qualities and abilities, and without disclosing any information that is considered confidential. Any

other conduct on the part of a member of the community would be considered a violation of the Code of Academic Ethics, and it would also be contrary to the mission of the University enshrined in Article 4 of the Statute of Vilnius University.

4. In the specific case at hand, a fact of violation of the Code of Academic Ethics (and, consequently, a fact of conduct of a member of the community in breach of the University's mission) could be established or refuted only after considering the entire context of the behaviour which the Applicant has requested to assess. This requires assessing not only the very fact of participation in the show, but also the specific content of the statements made therein. The Commission points out that the Applicant in their appeal requested to assess a specific post published on the Youtube channel OpTV titled '/.../', but the interactive link provided in the appeal was not working. The Commission approached the Applicant asking to clarify their appeal and to provide the recording of the show where the statement that the Applicant requested to be assessed was made, or provide any other evidence in support of the content of their appeal, but the Applicant has not provided any clarifications. In light of the above, the Commission established that the available data were insufficient and did not allow a full examination and assessment of the content of Assoc. Prof. Dr J. M.'s statement or its context, nor was it sufficient to establish whether and how widely the speaker's affiliation with the University community and other circumstances relevant to the Commission's investigation were revealed. Therefore, the fact of a possible violation or absence of academic ethics could not be confirmed or refuted.

5. The Commission hereby notes that, in accordance with Item 39 of the Commission Regulations, depersonalised decisions of the Commission (or summaries or generalisations thereof) are published on the University's website. The Commission hereby explains that it is done with the aim to more clearly define the ethical standards applied at the University, to make the University community aware of the examples of inappropriate and intolerable behaviour, the examples of good practice in the activities of commissions, and to promote following the principles of academic ethics introduced and fostered by the University in their activities at the University and beyond.

6. On 17 February 2023, when the Commission was considering the appeal of the Chairperson of the Undergraduate Study Programme Committee of /Unit/ '/.../' Assoc. Prof. Dr A. G., member of the Commission Dominyka Goldbergaitė withdrew herself and did not participate in the adoption of this decision. The decision was adopted by consensus of the remaining members of the Commission.

In the light of the foregoing, and in accordance with Items 13(5), 23(2) and 35(2) of the Commission Regulations, the Central Academic Ethics Commission hereby decides:

1. to declare that the fact of violation of the Code of Academic Ethics of Vilnius

University has not been established, nor has the conduct of Assoc. Prof. Dr J. M. been determined as being contrary to the mission of Vilnius University;

2. to make the depersonalised decision of the Commission publicly available.

Chairperson Assoc. Prof. Vígita Vėbraité