



**DECISION  
OF THE CENTRAL ACADEMIC  
ETHICS COMMISSION OF VILNIUS UNIVERSITY**

**On the complaint submitted on 20 June 2022 by Dr I. S., Chairperson of the Final Theses  
Defence Commission of the /Unit/**

On 20 June 2022, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received a complaint signed by Dr I. S., the Chairperson of the Final Theses Defence Commission of the /Unit/ (hereinafter the ‘Complainant’), contesting the decision of the Academic Ethics Commission of the /Unit/ (hereinafter the ‘Unit Commission’) of 14 June of this year concerning a possible case of plagiarism in the bachelor thesis of P. J., a fourth year student at the /.../ first cycle study programme.

In the contested decision, the Unit Commission stated that “due to the lack of sufficient evidence of plagiarism, it is recommended to follow the initial expert opinion of allowing to defend the thesis”. The Complainant, who has signed the complaint on behalf of the Final Theses Defence Commission of the /Unit/, does not agree with the decision of the Unit Commission, as the fact of possible plagiarism was supported by experts in the field of /.../. As can be seen from the material attached to the complaint, the fact of a possible plagiarism is based on five quotations where a partial text match (paraphrased text) was observed between student P. J.’s bachelor thesis “...” written in a /foreign/ language and an online textbook “...”.

Having familiarised itself with the Complainant’s complaint, its accompanying documents, the contested decision of the Unit Commission, the relevant documents submitted by the Unit’s Vice-Dean for Studies (including the Vice-Dean’s appeal to the Unit Commission and the explanations that student P. J. provided to the Unit Commission), the Commission hereby points out that:

1. The Commission is guided by the Regulations of the Central Academic Ethics Commission of Vilnius University approved by the Senate of Vilnius University (current version approved by Resolution of the Senate of Vilnius University No. SPN-55 of 21 October 2020) (hereinafter ‘the Commission Regulations’). The Commission Regulations describe the course of the Commission’s procedures, competency, and possible decisions. In accordance with Item 13(1) of the

Commission Regulations, the Commission examines the legality and validity of the contested decisions of the academic ethics commissions of Units and potential failure to act of the academic ethics commissions of Units. This means that the Commission checks and assesses whether the Unit Commission has complied with the requirements and procedures of the University's legal acts when adopting the contested decision, whether the decision was fully and clearly substantiated and reasoned, and whether the Unit Commission had carried out all the mandatory actions provided for in the Commission Regulations of the Unit. The Commission also notes that, in accordance with Item 1 of the Code of Academic Ethics, only the disputes regarding academic ethics fall within the competency limits of the Commission; therefore, the appeals received are only investigated by the Commission in terms of academic ethics and not in terms of other aspects not falling within the competency of the Commission.

2. Having familiarised itself with the contested decision of the Unit Commission and other relevant material, the Commission hereby concludes the following deficiencies in the Unit Commission's decision in terms of legality and validity:

2.1. when adopting the contested decision, the Unit Commission partially violated the procedure for dealing with plagiarism issues set out in the Regulations of the Academic Ethics Commission of Core Academic Units of Vilnius University (current version of Resolution of the Senate of Vilnius University No. SPN-55 of 21 October 2020) (hereinafter the 'Unit Commission Regulations'). The Commission hereby points out that, in accordance with Items 25–27 of the Unit Commission Regulations, where the opinion of experts in the relevant field of science is required (usually a plagiarism investigation is included in such matters), the units' commissions must ask the head of the unit concerned to form an impartial group of experts and take a decision in accordance with its conclusion. According to the information available to the Commission, in the case in question, the Unit Commission took it upon itself to assess the evidence of possible plagiarism submitted to it and adopted the contested decision;

2.2. the content of the contested decision lacks comprehension and does not specify the reasons for the decision. The Commission explains that the academic ethics commissions usually have to detail in their decisions the progress of the investigation, the processes, and actions carried out, and the documents examined, and to clearly motivate and justify the decision taken. A comprehensive and motivated decision raises less doubts about its legitimacy and transparency, and allows the parties to the dispute on academic ethics to understand why specific actions are considered as (not) violating the academic ethics. In the case in question, the decision was limited to the operative part of the minutes with a specific and minimally reasoned decision. However, the Commission also notes that, according to the material available, the parties to the dispute were given the opportunity to be heard, they were informed of the progress of the investigation and presented with the information which led to the decision, although this is not reflected in the

contested decision;

2.3. as is apparent from the contested decision of the Unit Commission, the function of the Unit Commission secretary when adopting the contested decision was carried out by one of the members of the Unit Commission – a student representative. The Commission hereby points out that, in accordance with Item 12 of the Unit Commission Regulations, “the material and organisational conditions necessary for the activities of the Unit Commission shall be ensured by the head of the Unit, by whose decision the Secretary of the Unit Commission shall be appointed, and who shall not be considered a member of the Commission. If the Secretary is not able to participate in a meeting of the Unit Commission, another person who is able to assume the functions of the Secretary shall participate in the meeting.” Therefore, at the meetings of the unit commissions, members of the commission shall not stand in as secretaries; instead, a separate person (usually an employee from the administration) shall be appointed in accordance with the procedure laid down in the Unit Commission Regulations for specific functions. This provision aims at the objectivity of the description of the course of decisions and meetings, avoiding the possible subjectivity of the members of the commissions (who must vote in favour or against on the issues under consideration) by describing the course of the investigation of the respective disputes, while at the same time reducing the burden of the activities of the members of the commissions by relieving them from carrying out administrative functions.

2.4. The Commission hereby concludes that it is necessary to draw the attention of the Unit Commission to the identified procedural shortcomings so that in the future, appeals are dealt with in accordance with all general procedural requirements.

3. Despite the aforementioned procedural shortcomings of the contested decision, the Commission also notes that Article 25(2) of the Statute of Vilnius University provides that the Commission shall settle disputes concerning academic ethics, and Item 23 of the Code of Academic Ethics also states that the supervision and control of the implementation of the Code shall be carried out by the Commission based on its competency, thus the University’s legal acts give the academic ethics commissions a much broader mandate than merely formally assessing the arguments put forward by the parties to the dispute. When investigating a dispute, the Commission must not only identify and declare violations, but also proportionally evaluate their potential impact on the content (substance) of the decision and, in particular, the interests of the parties to the dispute, take into account the circumstances relevant to the case, and analyse them.

In accordance with this competency, the Commission hereby notes that:

3.1. At the University and in the practice of academic ethics commissions, plagiarism is considered one of the grossest violations of academic ethics, which is not and cannot be tolerated by the University community, and when plagiarism is confirmed, the most stringent sanctions provided for in the University’s legal acts are applied. These provisions imply the necessity to make

responsible decisions when investigating plagiarism, to justify them and provide the evidence that does not raise doubts, and in each case to separate plagiarism from possible inappropriate citation, authorship indication, and other similar violations of a smaller-scope that may be subject to lower-scale sanctions (for example, reducing the final evaluation of defended work).

In accordance with Item 24 of the Code of Academic Ethics, “gross violations of academic ethics shall be deemed to be violations recognized as such by a reasoned decision of the Commission or the Unit Commission, taking into account their impact, extent, damage, recurrence and other characteristics.” Thus, in order to confirm the fact of plagiarism, it is necessary to establish that the recorded violation corresponds to the attributes listed in the cited Item of the Code or at least part thereof and to justify such a position clearly and reasonably.

The Commission hereby notes that in the case in question, a possible case of plagiarism, based on the information provided by the Complainant, can be found in five small-scope citations, thus constituting a relatively very small part of the bachelor thesis. It should also be noted that the citations submitted by the Complainant contain only a partial text match between the student’s thesis and the text of another source (paraphrasing the text, repeating the thoughts, etc.), and not a perfect literal match. It should also be noted that in the rest of the thesis, the fact of possible plagiarism in the material submitted by the Complainant is partly based on assumptions (it is stated that part of the author’s speech is “too perfect”, that “plagiarism is suspected, but no sources have been found”, etc.). Without claiming an expert opinion on plagiarism, the Commission notes that the aforementioned circumstances stating that the evidence of the plagiarism at issue is not sufficient in terms of the extent of the violation and the validity and completeness of the evidence.

3.2. The Commission resolves disputes in accordance with the principles laid down in Article 25(5) of the Statute of Vilnius University, including the principles of economy and expeditiousness. These principles mean, in particular, that the Commission must adopt a decision which would allow an objective resolution of the dispute on academic ethics at the lowest possible cost (financial, working hours, and emotional) in the shortest reasonable time possible. Thus, it would be contrary to these principles to adopt a formal decision to refer the dispute back to the Unit Commission on the basis of the deficiencies identified in the decision, if this would lead to an unjustified extension of the duration of investigation of the appeal, which would likely cause substantial difficulties for the participants in the dispute that could otherwise be avoided.

In the case in question, the Commission draws attention to the short time limits for the investigation of the dispute (the dispute must be resolved and the decision on the admission to defend the bachelor thesis shall be taken within June), the importance of the issue in question (bachelor thesis determines the acquisition of qualification and diploma), and notes that the transfer of the dispute to September solely on the basis that by the deadline for the defence of final theses it

would be impossible to form a group of experts, for them to make a decision and for the Unit Commission to follow the procedure for readopting a decision, in the absence of a reasonable belief that the fact of plagiarism will certainly be established, it would violate the principles of economy and expeditiousness. The Commission also notes that the need for a possible investigation of plagiarism or less gross violations of authorship indication, citation and other similar violations would not be denied by allowing the defence of the bachelor thesis in question, as these issues could be raised and dealt with during the defence of the thesis or when the defence commission makes a decision.

In conclusion, the Commission hereby notes that the Commission's practice takes the view that, if the Commission is not satisfied that the overturn of the contested decision on procedural violations would lead to a decision of a substantially different content, the contested decision is not normally repealed.

4. The Commission notes that, in accordance with Item 39 of the Commission Regulations, the depersonalised Commission's decisions (or summaries thereof) are published on the University's website. The Commission 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.

In the light of the foregoing, in accordance with Items 13(1), 35(3), 35(12), and 39 of the Regulations of the Central Academic Ethics Commission, the Central Academic Ethics Commission hereby decides

1. To dismiss the complaint submitted on 20 June 2022 by Dr I. S., Chairperson of the Final Theses Defence Commission of the /Unit/..
2. To draw the attention of the Academic Ethics Commission of the Unit to the identified procedural shortcomings of the investigated decision.
3. To make the depersonalised decision of the Commission publicly available.

Chairperson

Assoc. Prof. Vígita Vébraité