



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

No. (1.14 E) 15900-KT-120

of 15 September 2021

Vilnius

On the appeal of L. K. and G. M. of 7 April 2021 to assess the actions of Prof V. V.

On 7 April 2021, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received an appeal submitted by L. K. and her daughter G. M. (hereinafter the ‘Applicants’) in which they request to evaluate the actions of the Faculty of Physics Prof. V. V. from the point of view of academic ethics (hereinafter the ‘Appeal’). In the Appeal, the Applicants indicate that on 1 April 2021, during the EU Contest for Young Scientists organised by the Lithuanian Centre of Non-formal Youth Education, the chairperson of the commission of this contest Prof. V. V. was disrespectful towards pupil G. M. who presented her contest entry. The Appeal states that the professor addressed the pupil with comments about her personality rather than her contest entry (he suggested that she should “go ask her mother what temperature should the meat be stored in”, called the entry “a waste of time”, running around the shops), interrupted her answers to questions, laughed, asked questions that were not directly related to the entry, raised his voice and gesticulated, and interrupted other members of the contest commission who, on the contrary, acted ethically towards the student. According to the Applicants, by acting in this manner, the pupil was discriminated against by the Professor on the grounds of G. M.’s gender and age, he demonstrated unfair prejudice toward her, which led to significant negative experiences of the pupil. The Applicants ask the Commission to find that Prof. V. V., by acting in the manner described, committed a gross violation of the Code of Academic Ethics and to enforce responsibility.

The Commission familiarised itself with the explanations provided by the Applicants and Prof. V. V., explanations of the members of the EU Contest for Young Scientists commission, other related documents, it heard the parties’ accounts of the situation live and investigated the Appeal at the meetings of 5 May, 20 May, 2 June, and 8 September 2021 and during an electronic meeting on 8-15 September 2021. During the Commission meeting, the Applicant L. K. reiterated the circumstances already largely revealed in the Appeal about a potential violation of academic ethics, indicating that Prof. V. V.’s communication with her daughter during the contest was unpleasant and biased, G. M. was attacked, attempting to humiliated her personality by words and body language. G. M. herself also confirmed to the Commission the potential violations of academic ethics described in the Appeal: during the contest, her answers to the questions of the commission members were continuously interrupted, Prof. V. V. called her entry a meaningless “running around the shops”, offered her to “consult with her mother”, laughed and gesticulated, did not allow her to provide explanations and discuss her contest entry. In the Applicant’s view, by acting in such manner, the Professor humiliated both her and the members of the University community who were consultants in the preparation of her contest entry. The Applicant spent one and a half years preparing the entry presented in the contest with the help of consultants, it was highly evaluated, and went through to the final stage of the contest. The Applicant explained that

she is usually able to accept criticism, but Prof. V. V.'s comments were not only addressed toward her entry, but also toward her as a person, they were conveyed in an impolite tone, which made her anxious and disappointed in the Professor's behaviour and the contest itself. G. M. noted that no remarks were made separately about her entry after the first stage of the contest and that the general remarks submitted to all participants were taken into account.

Prof. V. V. expressed his view to the Commission that the Appeal was unfounded and guided by emotions due to an unsuccessful performance of the Applicant G. M. in the final stage of the contest. The Appeal refers to the Professor's comments which, according to him, were taken out of context and presented in another form and words than they were actually said. Prof. V. V. did not agree with the arguments put forward in the Appeal regarding possible humiliation of G. M. or discrimination against her on the grounds of gender or age: according to him, all the participants of the contest were treated equally without exclusions, and there were both girls and participants younger than the Applicant amongst the winners of the contest. The Professor explained that some of his comments may have been made due to doubts about the originality of the entry and the quality of the activities of the persons who consulted the pupil but they were not presented in an unethical form. The Professor confirmed that he had interrupted the pupil several times, but only when she was being vague when answering questions asked by the commission. The Professor did not deny uttering the phrases indicated in the Appeal, but they were taken out of context and were not said in order to humiliate.

In the course of the investigation of the Appeal, the Commission took note of Decision of the Equal Opportunities Ombudsperson of the Republic of Lithuania No. (21)SN-60)SP-18 of 4 June 2021 (hereinafter the 'Decision of the Ombudsperson's Office'), which *inter alia* examined the remarks of Prof V. V. made during the EU Contest for Young Scientists that are described in the Appeal. The Decision of the Ombudsperson's Office stated that "in assessing the totality of the circumstances, the remarks and comments made by the chairperson of the Commission (*Commission's note: prof. V. V.*) toward the Applicant (*Commission's note: G. M.*), it is concluded that such behaviour by the chairperson contained characteristics of harassment on the grounds of age, leading to offending the dignity of the Applicant and creating a hostile, humiliating, and offensive environment. In the present case, discrimination which manifested in harassment on the grounds of age is identified by the negative effects suffered by the Applicant and by the assessment of the contested actions of the chairperson of the Commission in terms of content and mode of expression which should not be carried out in accordance with the socially accepted behavioural norms." The Decision of the Ombudsperson's Office also concludes that Prof. V. V.'s actions contained characteristics of discrimination on the grounds of gender, since the decision found that Prof. V. V.'s statements reflect "the attribution of stereotypical roles for women in the course of professional communication with the Applicant, that is, during the evaluation of the young scientist's contest entry", with similar conclusions also reached after analysing some other of Prof. V. V.'s statements.

In the light of the foregoing, 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, the decisions that it can possibly make, and competency. The competency is described in Chapter III (Items 13–17) of the Commission Regulations and the most important of the Commission's duties set out therein is to examine complaints and appeals concerning potential violation of academic ethics and to decide on the fact of the violation of academic ethics or its absence. The Commission shall not take decisions on matters which are not within its competency and speak on its merits. Due to this, the Commission does not have the competency to "enforce responsibility" in regards to Professor V. V. as requested by the Applicants, and will hereinafter continue to speak only about possible violations of academic ethics and other

issues assigned to the Commission's competency in the Commission Regulations.

2. The most important provisions of academic ethics that are observed and fostered by Vilnius University are defined in the Code of Academic Ethics of Vilnius University (current version approved by Resolution of the Senate of Vilnius University No. SPN-54 of 21 October 2020) (hereinafter the 'Code of Academic Ethics'). Item 1 of the Code of Academic Ethics states that "the Code shall be applicable to all members of the University's academic community in accordance with the Statute, as well as all the members of the governing bodies of the University (hereinafter referred to as members of the community). Members of the community must follow the highest ethical standards **within the University and outside of it** (*here and further – bold font applied by the Commission*). The Code shall also be applied in cases when members of the community independently provide intellectual services to third parties, **even if these services are not directly related to the University's activities.**" Item 2 of the Code of Academic Ethics states that "the University is governed by the principles of transparency of the study and scientific process, academic integrity, equality, **non-discrimination**, fairness, intellectual property protection, presumption of innocence and other universally accepted principles established in the Statute." When evaluating the quoted provisions of the Code of Academic Ethics, it should be systematically noted that each member of the University community, when acting both within and outside of the University, must comply with not only the rules of the Code of Academic Ethics, but also the general standards and principles of academic ethics. These provisions are particularly relevant in cases where a member of the University community, even if acting outside the University and not necessarily acting directly in the field related to their activities at the University, is presented as a University researcher or is otherwise explicitly associated with the University. In such circumstances, acting in an unethical manner not only negates the values and ethical standards promoted and publicly recognised by the University, but also harms both name of the person as a member of the University community and the reputation of the University.

3. The Commission acknowledges that the investigation of the case at issue is substantially hampered by the absence and/or preservation of an audio and/or video recording of the contest during which the events described in this decision took place. Due to this, the Commission has to take its decision on the basis of the positions expressed by the parties to the dispute on academic ethics and by other persons (in this case, the members of the contest commission), as well as the decisions of the competent public authorities. Despite the fact that the parties to the dispute on academic ethics present the situation in a slightly different way, it is indisputable and not denied by either of the parties that the specific phrases indicated in the Applicants' Appeal (for example, the suggestion to consult the mother, calling the chosen method of work a meaningless running around the shops, or a waste of time) were directed towards pupil G. M. in one context or another. It should be noted that such a way of communication and provision of criticism is unacceptable and intolerable in the opinion of the Commission, and Prof. V. V., as an experienced long-term member of the University community, had to choose a more polite way and form of expressing criticism and remarks, which could not be understood as offensive in any context, and to relate his remarks directly to the content of the contest entry in question. In this context, it should be further emphasised that in the case in question, Prof. V. V. communicated with a pupil, i.e., with a person who is younger, of a lower status, and has less professional experience, which further presupposes the duty of the Professor, as a more experienced person who knows the University values better, to choose an appropriate and non-insulting model of communication and expressing remarks, by emphasising the subject and content side of the work, not the author's age or personality. In conclusion, having considered the sources and circumstances mentioned in this paragraph, it should be noted that Prof. V. V., by acting in such manner, breached the principle of following the highest ethical standards when acting outside of the University and when providing services not directly related to the University's activities established in Item 1 of the Code of Academic Ethics and committed an academic ethics violation.

4. In their Appeal, the Applicants ask the Commission to find that Prof. V. V.

committed a gross violation of academic ethics. The Commission notes that a gross violation of academic ethics is usually found only in the event of the offender committing a substantial gross violation of academic ethics values defended at the University. The finding of a gross violation of academic ethics also has the most serious consequences, therefore, the finding of such a violation requires a clear, comprehensive and unquestionable justification. Upon evaluating the opinions of the Applicants and Prof. V. V. and other available evidence, the Commission hereby concludes that in the present situation there is no reason to find a gross violation of academic ethics. The Commission notes that the violation of academic ethics committed in the present case was largely due to the personal characteristics of the parties to the dispute, their differences in the way of behaviour, different understanding of the context, and improper, not sufficiently polite and respectful way of communication chosen by Prof. V. V. in regards to pupil G. M.

5. The Commission notes that, in accordance with Item 39 of the Commission Regulations, the 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 and aimed for at the University, to make the University community aware of the examples of inappropriate and intolerable behaviour, to promote following the principles of academic ethics introduced and fostered by the University in their activities at the University and beyond, and to act respectfully, politely and ethically in discussions or when conveying criticism, In the light of the foregoing, in accordance with Items 14, 35(2) and 39 of the Regulations of the Central Academic Ethics Commission, the Central Academic Ethics Commission hereby d e c i d e s:

1. To determine that Prof. V. V., by acting in this manner, breached the principle of following the highest ethical standards when acting outside of the University and when providing services not directly related to the University's activities established in Item 1 of the Code of Academic Ethics and committed an academic ethics violation.

2. To make this decision of the Commission publicly available.

Chairperson

Prof. Dr Rita Šerpytė