



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

On the appeals submitted by R. B., the head of the Unit, of 7 June 2022 to investigate potential violations of the Code of Academic Ethics committed by A. I., an academic staff member of the Unit

On 7 June 2022, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received appeals submitted by R. B., the head of the Unit (hereinafter the ‘Applicant’), requesting to investigate whether A. I., the academic staff member of the Unit, has violated Items 5, 7(4), and 7(7) of the Code of Academic Ethics of Vilnius University by his conduct and actions.

In her appeals, the Applicant listed the instances of the academic staff member A. I.’s conduct that she requests to be evaluated in terms of academic ethics. The Applicant indicates that, upon becoming aware that an appeal was submitted to the administration of the Unit due to improper performance of his duties (conducting lectures that are too short), A.I. revealed this fact and the name of the student who complained, and publicly discussed it with other students of the course. In response to the appeal, A. I. indicated that due to this, the students would have to take an exam on the subject he taught (even though it was agreed with the students beforehand that the exam would not be held), encouraged expressing dissatisfaction with the student who submitted the appeal and sympathy for himself, threatened to go to court and even commit suicide, indicating that in such a case, the student would be responsible for his death; he urged students to go to the administration of the unit and declare that they have no issues with him as a lecturer if they do not want to take the exam. Through such actions, the lecturer influenced and exerted pressure on the students, exploited the vulnerable situation of the students, and thus potentially violated Items 5, 7(4), and 7(7) of the Code of Academic Ethics of Vilnius University. The Applicant substantiated these circumstances by providing the Commission with copies of correspondence between A. I. and students and a record of factual circumstances drawn up by a bailiff.

In his explanation submitted to the Commission on 29 June 2022, the academic staff member A. I. stated that the correspondence in question with the students was not carried out during the course of the lectures, but via an informal group on Messenger, which he had set up with the students, therefore, the topics discussed there were broader, not just on the subject matters.

Although he did not essentially deny the facts provided by the Applicant, he indicated that they were presented incorrectly and in a manipulative manner, which may be due to an ethically inappropriate environment of the study programme and the mobbing directed against the lecturer.

Having familiarised itself with the Applicant's appeals with accompanying documents and additional explanations provided, the explanations provided by the academic employee A. I., having investigated the appeals on 22 June and 22 September of this year (which the Applicant attended and A. I. was invited to but did not participate in), the Commission notes:

1. The Commission is guided by the Code of Academic Ethics of Vilnius University approved by the Senate 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') and the Regulations of the Central Academic Ethics Commission 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 Code of Academic Ethics describes the standards and principles of ethical conduct 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 competence, the decisions that it can possibly take, and describe the Commission's operating procedures. In accordance with Item 1 of the Code of Academic Ethics, only the disputes regarding academic ethics fall within the limits of the competence of the Commission, therefore, the appeals received are only investigated by the Commission in terms of academic ethics and not in terms of labour law or other aspects not falling within the competence of the Commission. Therefore, in the specific case in question, the Commission examined the situation requested by the Applicant in terms of academic ethics, but did not address the issues related to the organisation of studies or compliance with the work procedure requirements. In addition, the Commission investigated the academic ethics aspect of only the situations indicated in the appeals and not the overall situation at the Unit between the academic staff, the administration of the Unit, and the students.

2. The Commission notes that the University has a two-tier system of dispute resolution on academic ethics, consisting of the Central Academic Ethics Commission and the academic ethics commissions operating in the core academic units. Usually, disputes regarding academic ethics are resolved by appealing to the academic ethics commission of the relevant unit which then deals with the dispute in principle, and the unsatisfactory decisions of these commissions may be appealed by submitting a complaint to the Commission. This principle is also generally applied in cases when the appeals to the commissions are submitted by the heads of the units. However, Item 13 of the Commission Regulations provides for several exceptions to this principle, including the possibility for the Commission to investigate "other motivated appeals

submitted directly to the Commission regarding possible violations of academic ethics that took place in the Unit”, as set out in Item 13(7) of the Commission Regulations. In the case in question, at the request of the Commission, the Applicant explained that she was appealing directly to the Commission because of a conflict situation between the academic staff member A. I. and the administration of the Unit and several investigations of possible work discipline violations being carried out, therefore, the Applicant believes that the decisions of the commission of the unit would most likely still be appealed to the Commission. Having assessed the circumstances and in accordance with the principles of economy and expeditiousness laid down in Item 33 of the Commission Regulations, which in this case mean that the academic ethics commissions must seek to resolve the ethics dispute at a minimum time cost, without stalling the processes, and carrying out only the procedural steps necessary for an objective investigation, the Commission has decided to accept the appeals submitted by the Applicant to be investigated on the merits.

3. The equality of the participants in the dispute investigation proceedings is ensured since the academic employee A. I. provided written explanations, thus fulfilling his right to be heard and was duly (in accordance with the procedure laid down in the Commission Regulations) invited to attend the meetings of the Commission; however, the lecturer did not attend the meetings and did not submit motivated requests to postpone them.

4. Having familiarised itself with the documents submitted to the Commission and the explanations and clarifications provided by the parties to the dispute on academic ethics at the request of the Commission, it concluded that the episode requested to be investigated is essentially related to a student’s appeal to the administration of the unit regarding potentially improper performance of the duties of the academic employee A.I. and the lecturer’s public reaction to this appeal recorded on social media (an instant messaging group for lecturers and students). Having examined these circumstances, it is clear that the episode under investigation concerns potential violations of Item 5 of the Code of Academic Ethics, which enshrines the principle of academic freedom, and Item 7, which sets out general requirements for the relationships between members of the University community.

5. Item 5 of the Code of Academic Ethics states that “Academic freedom means the right of members of the community (*thus – both the academic staff and the students*) to openly voice their attitude towards lecturing, the organisation and administration of studies and scientific research and express their critical ideas /.../. The University aims to protect members of the community from restrictions, possible pressure and influence, as well as to foster the traditions of the atmosphere of critical thinking and open discussions. The responsible use of this academic freedom requires that members of the community would recognize the same freedom for other members of the community.” From the data submitted (especially from the academic employee A. I.’s correspondence with the students), the Commission concluded that A.I. had openly and negatively reacted to an appeal lodged with the unit’s administration by

one of the students and, in his message to the students, had repeatedly clearly linked this appeal with the fact that the students would now have to take an exam that he had previously decided not to hold. In the Commission's view, such a reaction of the lecturer, as well as the tone chosen when communicating with other students of the course, and treating the opinion of another member of the community about his lectures (in this case, by the way of appeal to the administration) as negative behaviour, was inadequate and inconsistent with the principle of academic freedom enshrined in the Code of Academic Ethics of the University. The Commission concludes that A. I.'s actions have violated Items 5(1) ("*disrespect expressed towards opinions of other members of the community*"), 5(2) ("*restriction of the right of members of the community to voice and defend their opinion in decisions of the University*"), and 5(3) ("*restriction of the right to respond to criticism or accusations*") of the Code of Academic Ethics.

6. Item 7 of the Code of Academic Ethics states that relationships between members of the community shall be based, amongst others, on the principles of good morals, mutual respect, fairness, impartiality, non-discrimination and collegiality. In assessing the situation in the context of these provisions, the Commission notes that these principles are violated by various direct or indirect comparisons made about a member of the community or their action, which have a negative or degrading tone, and by trying to turn some members of the community against the others. In order to express their opinion or disapproval of an action of another member of the community, a member of the community must do so in an argumentative manner, without offending or humiliating others. The Commission concludes that, in this case, the academic employee A. I. failed to comply with these provisions, and that his actions have violated Item 7(2) of the Code of Academic Ethics ("*humiliation of members of the community*"). Moreover, in response to the appeal submitted by the student (which has been repeatedly mentioned in the lecturer's messages to students) A. I. made it clear that it was this action of the student that led to his decision to hold the exam that was not planned at the beginning and indicated that the student's decision to appeal his activities could lead to other negative consequences that may be avoided if students address the administration. In the Commission's view, such behaviour by A. I. also violated Items 7(4) ("*abuse of persons who are more vulnerable (due to subordination or other social relations)*") and 7(8) ("*actions that have signs of harassment, intimidation or other adverse effects*") of the Code of Academic Ethics.

The Commission stresses that this decision was largely due to A. I. being a lecturer, whose status, life and professional experience lead to higher ethical standards of communication and expressing his opinion when he is dealing with students (who are usually considered to be a more vulnerable party in terms of relations between lecturers and students). The lecturer also had to refrain from discussing the appeal against him with the students, despite the fact that it was not during the lecture. The Commission notes that the right to lodge an appeal also includes the guarantees granted to the applicant, including the obligation not to publicise the fact of the appeal and, in particular, the content of the appeal (confidentiality), which means that the content of the appeal must be disclosed only to a defined range of subjects, thus protecting the applicant against possible negative consequences or assessment. For this reason, the Commission concludes that, when discussing the appeal against him and its content with students, A. I. violated Item 7(7) ("*disclosure or discussion*")

with other persons of information considered confidential”) of the Code of Academic Ethics.

7. 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 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, and in accordance with Items 13(7) and 35(2) of the Regulations of the Central Academic Ethics Commission, the Central Academic Ethics Commission hereby decides:

1. To conclude that the academic employee A. I. was in breach of academic ethics by violating the principles of the responsible use of the academic freedom and relationships between members of the community set out in Items 5(1), 5(2), 5(3), 7(2), 7(4), 7(7) and 7(8) of the Code of Academic Ethics of Vilnius University.
2. To make the depersonalised decision of the Commission publicly available.

Chairperson Assoc. Prof. Vigita Vėbraitė