



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

**On the complaint submitted on 27 January 2022 by Dr S. M., senior researcher at the Faculty of /.../, regarding a decision of the Academic Ethics Commission of the Faculty of /.../ of 17 January 2022**

On 27 January 2022, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received a complaint submitted by Dr S. M. (hereinafter the ‘Complainant’), senior researcher at the Faculty of /.../, regarding the decision of the Academic Ethics Commission of the Faculty of /.../ (hereinafter the ‘Unit Commission’) No. (4.8 E) 110000-KT-4 of 17 January of the current year.

The Unit Commission made the contested decision after examining the appeal of the Research Affairs Committee of the Senate of Vilnius University regarding a potential violation of academic ethics (plagiarism) in the publication "/.../" prepared by the Complainant and co-authors (possible plagiarism was determined only in the part of the publication prepared by the Complainant). The contested decision was based on the conclusions of a group of experts established by Order of the head of the Unit No (1.1E) 110000-DV-28 of 23 November 2021, which had detected plagiarism “on at least three indicators”. The Unit Commission decided that the Complainant committed a gross violation of academic ethics in accordance with Items 19(2) (“*where a person uses the statements of a paper prepared by another person by slightly changing the words or sentence structures without indicating the source or indicating it inaccurately, and presents such a paper as his/her own*”), 19(3) (“*where the text by another person is presented without any quotation marks or other type of highlighting*”), and 19(4) (“*where a person carries out academic reproduction or other dishonest actions which may give reason to believe that the plagiarism prohibition was violated*”) of the Code of Academic Ethics of Vilnius University (hereinafter the ‘Code of Academic Ethics’) which lists indicators of plagiarism, and recommended that the Complainant was imposed a penalty in accordance with the procedure established by the legal acts of Vilnius University.

In the complaint submitted to the Commission, the Complainant requests to uphold the complaint and annul the contested decision, as well as to conclude that the Complainant did not

commit the violations detailed in Items 19(2), 19(3), and 19(4) of the Code of Academic Ethics, noting that the contested decision, in his opinion, is unreasonable, superficial (declarative), and biased, and that it was adopted without carrying out a thorough analysis of the potential gross violation. At the same time, it should be noted that the Complainant admits some of the violations, claiming that they were due to an unintentional technical error.

Having familiarised itself with the complaint, the contested decision of the Unit Commission, and other accompanying documents to the complaint, 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 define the Commission's competency, the decisions that it can possibly take, and describe the Commission's operating procedures. Item 13(1) of the Commission Regulations says that the Commission investigates the legality and validity of the decisions of the academic ethics commissions of units, or the lack of actions of the academic ethics commissions thereof. This means that the Commission does not examine the substance of the complaint for the second time when investigating the complaint, but checks and assesses whether the Unit Commission 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 labour laws or other aspects not falling within the competency of the Commission.

2. When adopting the contested decision, the Unit Commission followed the requirements set out in the provisions of the Regulations of the Academic Ethics Commission of Core Academic Units (current version of Resolution of the Senate of Vilnius University No. SPN-55 of 21 October 2020) as well as the procedures and terms provided therein: the decision was adopted after assessing the available evidence, the Complainant was enabled to be heard (this right was realised by allowing the Complainant to provide his explanations), as required by Item 25 of the Commission Regulations of the Unit, the head of the Unit was asked to establish a group of experts, and the decision was adopted on the basis of the conclusion of that group.

It should be noted separately that the establishment and activities of the group of experts are regulated in detail in Items 25-27 of the Regulations of the Academic Ethics Commission of Core Academic Units. Item 27 of the Regulations of the Academic Ethics Commission of Core Academic

Units states that “upon receipt of the conclusion of the Expert Group, the Commission shall decide on the fact of the violation of academic ethics or its absence”. Thus, while the competency to take decisions on whether an academic ethics violation or the absence thereof is the responsibility of the Unit Commission, in cases where a group of experts is established, the Commission Regulations of the Unit do not allow the Unit Commission to substantially deviate from the facts established in the conclusion of the group of experts and to take a decision that does not comply with that conclusion. Neither the Unit Commission nor the Commission has the competency to question the substance of the conclusions presented by the group of experts. The same Item 27 of the Commission Regulations of the Unit also provides for the only exception to this principle: if it identifies “significant shortcomings in the formation” of the group of experts, the Unit Commission should not take the decision following its conclusions but request the head of the Unit to establish a new group of experts. In practice, shortcomings in the composition of a group of experts may first be manifested by a real or implicit bias (in situations of a perceived or real conflict of interest) of the group or its individual members, and formal shortcomings in the composition of a group of experts may be identified (e.g. in cases when the group of experts is established by someone else than the head of the Unit or less than three members are appointed to it). Having familiarised itself with the available material, the Commission did not find any shortcomings in the composition of the group of experts and no arguments to the contrary were put forward by the Complainant. It must therefore be concluded that the Unit Commission, when taking the decision following the conclusions of the group of experts who had determined the existence of the plagiarism fact, was following the provisions of the legal acts of the University; therefore, the Unit Commission’s decision is lawful.

The Commission also notes that, when adopting the contested decision, the Unit Commission did not follow the conclusions of the group of experts alone, but it also actually analysed these findings, assessed their content in a reasoned manner, and classified the violations of academic ethics found. Therefore, the Commission cannot agree with the Complainant that the contested decision is superficial and unreasonable.

3. When assessing the validity of the contested decision, the Commission normally analyses two aspects: the objective validity (reasoning of the decision) and the subjective validity (clarity and completeness of the decision). The reasoning of the contested decision, as regards the finding of an academic ethics violation, does not raise much doubt, since, as the Commission has already mentioned, the decision is based on the conclusions of the group of experts, which are fully assessed in the decision. For this reason, more detail is only to be given to the arguments relating to the finding of a gross violation of academic ethics.

Item 24 of the Code of Academic Ethics states that “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, any violation of academic ethics can be deemed a gross violation if it is reasonably recognised as such by academic ethics commissions. It is the reasoning of the decision that is the essential criterion in deciding whether an academic ethics violation is considered to be a gross violation. This is due to the fact that gross violations of academic ethics show which cases are considered to be particularly violating towards the norms of academic ethics of the University and thus allow to distinguish these cases as examples of negative behaviour and to form consistent practice of academic ethics commissions. Moreover, it is precisely the gross violations of academic ethics that can lead to imposing more stringent sanctions on the person who committed them.

The aforementioned Item 24 of the Code of Academic Ethics also lists the most common signs of gross violations of academic ethics in practice determining the violation as gross may be influenced by the impact, extent, damage, recurrence and other characteristics that the commission has indicated in a reasoned manner. Thus, when providing reasoning for the determination of the academic ethics violation as gross, the academic ethics commission should justify that the violation is consistent with one of the characteristics discussed or state and justify other arguments that determine such a decision of the commission. At the same time, this means that the academic ethics commission is not obliged to justify that the violation of ethics corresponds to each of the characteristics referred to in Item 24 of the Code of Academic Ethics.

4. The contested decision focuses on recurrence as a criterion for a gross violation of academic ethics. The Commission explains that in this context recurrence is understood as repeating the same violation of academic ethics. Violations featuring this characteristic should be considered gross because they are committed by a person who has already been recognised as having violated academic ethics in the past. This characteristic is particularly relevant in cases where a person repeatedly commits a violation of academic ethics in a field similar in its nature and essence, since it demonstrates that a person who had already been recognised as having violated academic ethics did not reach appropriate conclusions and did not change their behaviour in terms of academic ethics, and the decisions taken against the person who violated academic ethics did not achieve the appropriate result – they did not prevent subsequent violations of academic ethics committed by that person. Therefore, it is logical and reasonable to treat a person’s academic ethics violation as gross when the criterion for recurrence is established.

It should also be noted that the Code of Academic Ethics does not provide for a limitation period for previously recognised violations. This means that, contrary to the labour or criminal law, it is not provided for that, after a certain period of time has elapsed since the previous violation of academic ethics, it can no longer be considered an aggravating circumstance in treating the newly committed violation as gross. Thus, the criterion of recurrence may also be concluded after a longer period of time following the previous violation, in particular where a new violation

has occurred in the same or similar area of its nature.

The Complainant's actions violating academic ethics were already previously investigated and the violation was found in the decisions of the Unit Commission and the Commission in 2018. These decisions found the Complainant's violations of academic ethics in the fields of scientific publications' preparation and the attribution of authorship. Since, although not identical, but undoubtedly similar in their nature violations of academic ethics are also stated in the contested decision of the Unit Commission, the Commission hereby concludes that the Unit Commission correctly applied the Code of Academic Ethics and reasonably treated the Complainant's actions as a gross violation of academic ethics in the light of the recurrence criterion. The Commission agrees in part with the Complainant's arguments regarding partial incompleteness and lack of reasoning in describing the Complainant's compliance with the remainder of the criteria set out in Item 24 of the Code of Academic Ethics describing gross violations of academic ethics. It should be noted, however, that those deficiencies in the reasoning are not substantial, since they do not alter, in principle, the substance of the contested decision and do not contradict the completeness and validity of the decision in those parts that determine the content of the operative part of the decision taken. In summarising the foregoing, the Commission hereby concludes that the contested decision of the Unit Commission is justified.

5. The Commission notes that in its decision it assesses only substantiated Complainant's arguments that are in its competence. In addition, the Complainant states in his complaint that the contested decision of the Unit Commission is "biased" and bases it on one separate statement from an audio record. However, the Commission notes that the bias of the decision or the commission that made it is usually manifested in the clearly biased content of the decision, in the investigation of only part of the available evidence and/or in not mentioning the arguments that are unacceptable to the decision-making commission or its individual members. However, the Commission concludes that the contested decision did not contain any such indications of a biased decision, on the contrary, some of the circumstances in the contested decision are interpreted in favour of the Complainant (for example, some of the violations identified by the group of experts are treated as "not of a large scale"). The Commission therefore rejects the Complainant's arguments concerning the bias in the contested decision.

6. A significant part of the complaint is dedicated to the justification of the authenticity and significance of the publication where violations of academic ethics were identified. The Commission notes that neither the present Commission decision nor the contested decision of the Unit Commission questions the content and value of the publication and does not deny that the parts of the publication in which there are no identified violations of academic ethics are authentic and valuable. At the same time, however, it should be noted that plagiarism and self-plagiarism can

be identified in various parts of the publication, including in the methodological part, despite the authenticity of the content of other parts of the publication (that are not relevant in the context of the complaint under investigation). Violations of academic ethics in the methodological part of publications have already been identified in the Commission's practice earlier, therefore, the contested decision corresponds to the established practice. Moreover, as mentioned above, the Unit Commission identified violations of academic ethics (plagiarism) in accordance with the opinion of the group of experts, and the examination or questioning of its content does not, in principle, fall within the competency of the Commission, which does not give the Commission a wider say in the decision on this issue.

7. 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 at the University, to make the University community aware of the examples of inappropriate and intolerable behaviour, 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) 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 dismiss the complaint of Dr S. M., senior researcher at the Faculty of /.../, of 27 January 2022.
2. To make the depersonalised decision of the Commission publicly available.

Chairperson

Assoc. Prof. Vígita Vêbraité