



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

No. (1.14 E) 15900-KT-217 of 8 December 2021, Vilnius

On the complaint submitted by an /employee/ of the Central Administration A. U. on 22 November 2021 regarding a decision of the Academic Ethics Commission of the /Unit/ of 15 November 2021

On 22 November 2021, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received a complaint submitted by an /employee/ of the Central Administration A. U. (hereinafter the ‘Complainant’) regarding the decision of the Academic Ethics Commission of the /Unit/ (hereinafter the ‘Unit Commission’) of 15 November of the current year, by which the Unit Commission refused to examine the Complainant’s appeal and concluded that “on the basis of the material submitted, it is appropriate not to initiate an investigation into a violation of academic ethics or to pass on the information about a possible violation of academic ethics to be investigated by the Central Academic Ethics Commission”.

On 15 October 2021, the Complainant appealed to the Unit Commission regarding a potential violation of academic ethics by a postdoctoral trainee Dr A. P.’s (hereinafter the ‘Trainee’) supervisor Dr U. N. (hereinafter the ‘Supervisor’) at a /.../ project /.../ implemented at the /Unit/. In the decision of 15 November 2021, the Unit Commission concluded that the Complainant’s appeal did not meet the formal requirements set out in Items 18 and 20 of the Regulations of the Academic Ethics Commission of Core Academic Units: 1) while the circumstances of the potential violation of academic ethics became clear as early as in August of 2021, the appeal was only submitted to the Unit Commission on 15 October of the current year, thus missing the one month deadline established in Item 18 of the Commission Regulations of the Unit for the submission of the appeal, whereas no reasoned request to renew the deadline was submitted by the Complainant; 2) the Complainant’s appeal did not accurately describe the potential violation of academic ethics; 3) the Complainant’s appeal did not indicate a specific request by the Complainant. In view of this, the Unit Commission refused to investigate the Complainant’s appeal and at the same time concluded that in the absence of evidence in the material submitted by the Complainant that the Supervisor’s

actions toward the Trainee would violate Items 5 and 7 of the Code of Academic Ethics of Vilnius University, there was no reason to initiate an investigation into the violation of academic ethics.

The Complainant does not agree with the contested decision of the Unit Commission and indicates in her complaint to the Commission that she missed the deadline for the appeals to the Unit Commission due to the fact that when the potential violation of academic ethics was noticed, the situation was then firstly investigated by administrative means and only then, following the findings, it was decided to lodge an appeal with the Unit Commission. Moreover, since the potential violation of academic ethics was not committed against her, the Complainant did not specify the actions of the Supervisor that she asked to be investigated, but only as a third person submitted to the Commission all the material submitted during the investigation of the Trainee's situation and asked to investigate it from the point of view of academic ethics. The Complainant also states that the Unit Commission did not allow the parties to be heard, nor did it properly analyse the factual material related to the potential violation of academic ethics. In her complaint to the Commission, the Complainant asks to investigate the additional information accompanying the complaint and to decide whether the Supervisor's actions toward the Trainee violated Items 5(1) ("disrespect expressed towards opinions of other members of the community"), 7(1) ("discrimination of members of the community of any form, as well as tolerance of such discrimination"), 7(2) ("humiliation of members of the community"), 7(3) ("derogation of the abilities, views or personal qualities of a member of the community"), 7(4) ("abuse of persons who are more vulnerable (due to subordination or other social relations)"), 7(8) ("actions that have signs of harassment, intimidation or other adverse effects"), and 7(10) ("other actions that demean the name of a member of the community") of the Code of Academic Ethics of Vilnius University.

The Commission familiarised itself with the complaint and the information accompanying it and investigated the complaint at the Commission's meetings of 29 November and 8 December 2021. The Commission also asked the Complainant to specify the submitted complaint by indicating what actions of the Supervisor are being appealed, on what basis, and what evidence is available that would substantiate specific potential violations of academic ethics (and providing them). The Commission received confirmation from the Complainant that all available information relating to the complaint had been submitted to the Commission and a proposal to ask the Trainee and Supervisor themselves for any specifications.

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, where it is specified, *inter alia*, that the Commission investigates the contested decisions of the academic ethics commissions of the units in terms of legality and validity. In addition, it investigates at first instance appeals concerning potential violation of academic ethics that meet the requirements set out in the Commission Regulations, as well as the information provided in the appeals or complaints that do not meet the set out requirements if the information itself is considered by the Commission as sufficient grounds for the investigation regarding a potential violation of academic ethics. When investigating the complaint and adopting this decision, the Commission shall speak only within the limits of its competency and the submitted complaint, and without commenting on issues related to (im)proper implementation of the project or the supervision of the project, which must be examined following an administrative procedure.

2. 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 lack of action of the academic ethics commissions of units. 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 hereby concludes that in the case in question, the decision taken by the Unit Commission was comprehensive and detailed, it clearly justified and explained the reasons why the Unit Commission decided not to investigate the Complainant’s appeal, therefore, the Commission concludes that the contested decision is legitimate and justified and there is no reason to repeal or amend it. It should also be noted that the decision of the Unit Commission not to investigate the appeal was largely due to the abstract nature of the appeal. After a detailed investigation of the complaint and its accompanying documents, the Commission also states that the content of the Complainant’s complaint is vague: the complaint does not indicate specific actions of the Supervisor that are asked to be analysed from the point of view of academic ethics, it does not explain the links between numerous accompanying additional material and the content of the complaint and possible violations of academic ethics, in principle, no evidence is indicated that would support the Trainee’s statements about the unethical behaviour of the Supervisor. These aspects have made the work of academic ethics commissions difficult in investigating the appeals of

the Complainant, since, in accordance with the principle of dispositiveness established in Item 33 of the Commission Regulations, the commissions investigating the appeals are limited to the content of the appeals submitted by the applicants and the requests indicated therein, and usually cannot go beyond the scope of the appeal submitted by the applicant when making a decision.

3. Both the Commission Regulations and the Commission Regulations of the Unit establish the rights of parties to the disputes investigated by the academic ethics commissions, including lodging and withdrawing a complaint, supplementing the complaint, and being heard in writing or orally. The principles of dispute settlement, as defined in Item 33 of the Commission Regulations, including the autonomy, dispositiveness and confidentiality of the parties, are also applied specifically to the parties to the dispute. This means that it is the parties who are involved in the academic ethics process, that the decisions of the commissions are made specifically with regard to the parties and not with regard to other persons, whereas other persons (except for the exceptions provided for in the Commission Regulations and Commission Regulations of the Unit) are not involved in the process and cannot be informed about it.

The Commission explains that in proceedings concerning academic ethics at second instance, i.e., the appeal instance (by lodging a complaint regarding a decision taken by the Unit Commission), the parties are formally considered to be the Complainant and the commission that adopted the contested decision. Thus, in the case in question, the parties to the dispute are considered to be the Complainant and the Unit Commission, and they are those subject to the provisions of the Commission Regulations where the rights of the parties are defined, including the right to be heard in writing or orally. At the same time, the Trainee and the Supervisor are not considered parties to the dispute and neither the Unit Commission nor the Commission has any duty to hear them. It should also be noted that the Supervisor and the Trainee are members of the academic community of the University, therefore, they have the right to submit an appeal themselves to the Unit Commission or to the Commission within the terms and following procedures laid down in the regulations of these commissions and thus to defend their rights if they consider that an academic ethics violation has been committed.

4. Having assessed the unusual context under which the complaint was submitted, its international nature, and the potential damage to the reputation of the University, the Commission also assessed, in accordance with Item 14 of the Commission Regulations, the behaviour of the Supervisor described in the accompanying documents to the complaint (in particular, part 2 of the project implementation report prepared by the Trainee) from the point of view of academic ethics. In the report text, the Trainee identifies the Supervisor's behaviour while managing the project as "primitive, barbaric, and contentious", he also points to her lack of support in the

relationships with colleagues, accuses her of humiliation, discrimination, acting unprofessional, and impolite communication. As examples of inappropriate behaviour, the Trainee specifies frequent requirements to meet on work issues and messages that are distracting from the implementation of the project through various communication channels. According to the Trainee, the Supervisor does not know how to manage projects and how to treat researchers from abroad.

5. The Commission hereby notes that most of the Trainee's statements in the documents submitted to the Commission are not supported by any evidence, and in other cases the evidence attached (such as e-mails from the Supervisor and Trainee) does not support the statements made in the Trainee's report on unethical communication between them. It can also be noted that the majority of the accusations mentioned by the Trainee are not related to academic ethics, but rather to possible violations of work duties, working relationships in the context of a research project, and the rules for laboratory work and the implementation of the project. These aspects, as well as the fact that a significant part of the Trainee's criticism of a similar nature in the examined material is addressed not only towards the Supervisor but also towards the Trainee's colleagues and the administration of the Unit that has not provided the appropriate conditions for the implementation of the project, show that the issues in question are to be addressed not by academic ethics but by administrative procedures. The Commission hereby concludes that the material provided by the Complainant does not justify a breach of academic ethics in the actions of the Supervisor.

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, and in accordance with Items 13(1), 14, 35(2), and 39 of the Regulations of the Central Academic Ethics Commission, the Central Academic Ethics Commission hereby decides:

1. To reject the complaint submitted by an /employee/ of the Central Administration A. U. on 22 November 2021.
2. The examination of the material contained in the complaint and the accompanying documents submitted by A. U. shows no grounds to find that a violation of academic ethics was committed.
3. To make the depersonalised decision of the Commission publicly available.

Chairperson Assoc. Prof. Vigita Vèbraité