



## DECISION

### OF THE CENTRAL ACADEMIC ETHICS COMMISSION OF VILNIUS UNIVERSITY

#### **On the complaint submitted by academic employee M. G. on 3 October 2023**

On 3 October 2023, the Central Academic Ethics Commission (hereinafter the ‘Commission’) received a complaint submitted by academic employee M. G. (hereinafter the ‘Complainant’) in which the Complainant does not agree with the decision of the Academic Ethics Commission of the Unit (hereinafter the ‘Unit Commission’) of 18 September 2023.

The contested decision was adopted by the Unit Commission after examining the appeals of the students of the Unit of 28 June and 26 July 2023 regarding the behaviour of the Complainant during the teaching of their course unit and the delay in entering the examination results into the system as well as a message featuring unethical content addressed to one of the students in relation to the aforementioned delay. The Unit Commission found that the Complainant had behaved rudely, disrespectfully and arrogantly with local students, foreign students and the professor mentoring foreign students (thus causing a conflict at the inter-university level and potentially damaging the reputation of the University), used phrases that were unacceptable in academic and professional relations and correspondence (e.g. *scumbag*, *snitch*, *shit*, *peasant style*, *a band of Bandar-logs*, etc.), and showed disrespect to the Unit Commission during its meeting. In the contested decision, the Unit Commission established that the aforementioned actions of the Complainant were in violation of Items 7(2) (“*Humiliation of members of the community*”), 7(5) (“*Withholding of information intended for members of the community or imposing obligations on other members of the community not to disclose such information*”) and 7(6) (“*Initiation or instigation of conflicts at the University*”) of the Code of Academic Ethics of Vilnius University, and recommended to the administration of the Unit to impose a penalty on the Complainant in accordance with the procedure established in the legal acts of the University and to carry out a certification process of the Complainant to assess whether they can continue teaching students.

In their complaint, the Complainant disagreed with the decision of the Unit Commission and requested to repeal the contested decision of the Unit Commission as unlawful, unjustified and adopted without following the procedural requirements laid down in the Regulations of the Unit Commission.

Having familiarised itself with the Complainant’s complaint and the explanations

provided by the Chairperson of the Unit Commission at the Commission's request, the Commission hereby points out that:

1. In its activities, 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 behaviour 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 make, and describe the Commission's operating procedures.

The Commission thereby acts within the framework of the competency defined in the aforementioned legal acts and by following the principles of dispute settlement related to academic ethics (Article 25(5) of the Statute of Vilnius University and Item 33 of the Commission Regulations), including the dispositiveness principle. In accordance with those provisions and principles, the Commission shall voice its opinion only on the questions which are worded in the appeal and solely within the limits of the competency conferred on it by law, and does not deal with matters beyond the competency of the Commission and the appeal submitted to it. The Commission hereby also points out that, in accordance with Item 13(1) of the Commission Regulations, the Commission examines complaints concerning the legality and/or validity of the decisions of the academic ethics commissions of Units, or concerning the lack of actions of the academic ethics commissions of Units, which means that the Commission does not re-examine the circumstances of the appeal examined by the Unit Commission, but rather assesses the legality (compliance with the procedures laid down in the legal acts applicable to the commissions' activities) and validity (the legal basis and motivation of the decision) of the contested decision of the Unit Commission.

2. The Commission hereby concludes that, when adopting the contested decision, the Unit Commission complied with the procedures and terms laid down in the Regulations of the Unit Commission, provided the Complainant with an opportunity to state their position on the arguments set out in the appeal against them (this right was exercised both in writing and orally), the adopted decision is detailed and based on both arguments and specific norms of the Code of Academic Ethics and the Regulations of the Unit Commission, therefore there are no grounds for amending or repealing the decision of the Unit Commission. In the light of the claims and arguments provided in the Complainant's complaint, the Commission notes and points out that:

2.1. In accordance with Item 8(3) of the Code of Academic Ethics, members of the University community must inform the academic ethics commissions about any possible violations of academic ethics based on reliable sources. Item 17 of the Regulations of the Unit Commission establishes that any member of the community may submit an appeal to the commission. These provisions indicate and justify that the academic ethics commissions have a duty to investigate a possible violation of academic ethics

regardless of whether the possible violation was committed against the applicant or another person (persons). For this reason, in the context of the complaint under consideration, it should be concluded that the Unit Commission correctly applied the Code of Academic Ethics and the Regulations of the Unit Commission when admitting the appeals of the students of the Unit for investigation.

2.2. One of the most important conditions for an objective investigation of a potential violation of academic ethics at the Unit Commission is providing both parties to the dispute on academic ethics with an opportunity to be heard (Item 30 of the Regulations of the Unit Commission). This right can be exercised both in writing and orally, which was done in the present case by submitting several requests to the Complainant to provide written explanations of the situation and by inviting them to a contact meeting of the Unit Commission. It should be noted that, according to the Commission's assessment, the Unit Commission relied on a sufficiently large quantity of material (correspondence between the parties to the dispute and other persons concerned, written explanations provided by the Complainant) in the investigation of the potential violation of academic ethics in question, which allowed the Unit Commission to objectively assess the situation and the Complainant's behaviour under appeal, thus solely the fact that individual members of the Unit Commission did not submit questions to the Complainant during the meeting of the Unit Commission cannot be considered a procedural infringement of the appeal investigation or proof of the Unit Commission bias. At the same time, it should be noted that the Complainant did not provide arguments that would be substantiated or relevant for the investigation of the complaint and would call into question the objectivity of the activities of the Unit Commission.

2.3. In accordance with Item 31 of the Regulations of the Unit Commission, "an audio recording of the meeting shall be made during the meeting of the Commission. The audio recordings /.../ shall be stored in accordance with the procedure established by the legal acts of the University." The audio recording of the meeting allows academic ethics commissions to prepare the decision and minutes of the commission meeting in detail and objectively, without any inaccuracies; if necessary, at the request of the Commission or on the initiative of the Unit Commission, it may be provided as additional data for the Commission's investigation of a complaint against the decision of the Academic Ethics Commission of a core academic unit. It should be noted that the Regulations of the Unit Commission do not provide for the right of the complainant to familiarise themselves with the audio recording of the meeting of the unit commission or the obligation of the unit commission to

provide access to the recording, therefore, in the present case the Unit Commission correctly interpreted and applied the provisions of the legal acts of the University by not providing a copy of the audio recording of the meeting to the Complainant.

2.4. The Code of Academic Ethics establishes a requirement and a standard for ethical behaviour that every member of the academic community must observe “within the University and outside of it” (Item 1 of the Code of Academic Ethics). This standard of ethical behaviour includes, among other things, the duty not to restrict the right of members of the academic community to express and defend their opinions, to base their relations on the principles of good morals, mutual respect, fairness, collegiality; the behaviour of academic staff must be an example of academic ethics for other members of the community (Item 10 of the Code of Academic Ethics).

In accordance with the standards set out in the Code of Academic Ethics, an academic employee must express their opinion in writing and orally politely, reasonably and professionally, avoiding a raised or moralising tone, exaggerated emotions, without demonstrating their superiority toward other members of the community and others. Communication and other behaviour that violates these standards, especially when it is systematic and repetitive, is considered to be a violation of academic ethics, regardless of the motives for such communication or behaviour.

3. 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, and in accordance with Items 13(1) and 35(3) 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 submitted on 3 October 2023 by academic employee M. G.
2. To make the depersonalised decision of the Commission publicly available.

The Commission's decision was adopted unanimously at the meeting attended by 6 of the 8 members of the Commission.