



DECISION
OF THE CENTRAL ACADEMIC ETHICS COMMISSION
OF VILNIUS UNIVERSITY

On the appeal of 4 October 2022 submitted by Dr T. D. to investigate the actions of the head of the /Unit/ Prof. A. K. for their potential violation of academic ethics

On 4 October 2022, the Central Academic Ethics Commission (hereinafter ‘the Commission’) received an appeal signed electronically by a non-member of the University community, Dr T. D. (hereinafter ‘the Applicant’), which raises doubts about the actions of the head of the /Unit/ Prof. A. K. that potentially constitute a gross violation of academic ethics. The Applicant filed an appeal to the Commission due to the “work, studies, family ties, and funding at Vilnius University” of the Prof. A. K. and his son S. K. The appeal received by the Commission states that Prof. A. K. assumed the functions of assessment and leadership regarding his son, published research articles together, potentially illegally contributed to him obtaining a doctoral degree at Vilnius University, and by these actions, he potentially committed a gross violation against Item 11(2) of the Code of Academic Ethics of Vilnius University (current version of Resolution of the Senate of Vilnius University No. SPN-54 of 21 October 2020), which states that the principles of the relationships between the academic staff and students shall be violated by the “assumption of academic result assessment or management/leadership functions in respect of a family member, relative or other person who is close to the academic staff member”. The appeal asks to investigate the aforementioned actions in terms of academic ethics. The Applicant did not add any information supporting their claims to the appeal.

Upon disclosure of the information submitted by the Applicant in the appeal, the Commission requested clarifications from Prof. A. K. and additional relevant information from the Doctoral and Postdoctoral Studies Division of the Central Administration of the University. Upon familiarising itself with the relevant information, the Commission found: 1) S. K. undertook doctoral studies at the Unit in 2012–2017; Prof. A. K. was the head of this Unit in 2006–2016; 2) during the doctoral studies, two research publications (/authors and names of publications/) were published and two presentations were given at scientific conferences, co-authors of which

(together with the other members of University staff) were Prof. A. K. and S. K. S. K. also prepared a publication and two presentations at scientific conferences where Prof. A. K. was not among the co-authors; 3) S.K. finished the doctoral studies at Vilnius University in /.../ 2017 upon defending his dissertation "/.../". *Prof. A. K. was not the academic supervisor, an academic consultant, or a member of the field of research council.* No single-handed decisions by Prof. A. K. were identified that could have influenced the assessment of S. K.'s doctoral studies; 4) S.K. does not perform academic duties at Vilnius University. The Commission has not identified any undue financial consequences that would have been caused by the family ties between Prof. A. K. and S. K.

In the light of the information available, the Commission hereby notes:

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, competency, and possible decisions.

Item 13 of the Commission Regulations states that the Commission investigates complaints and appeals within their competency. The requirements for these documents are detailed in Items 23 and 24 of the Commission Regulations, which state that, among other things, applicants must include their position at the University (or the unit where the person studies) and the e-mail address provided by the University. The aforementioned requirements confirm that only members of the University community may submit an appeal or complaint to the Commission and become a party to a dispute regarding academic ethics. This provision also follows logically from the purpose and powers of the Commission as an autonomous dispute settlement commission for the community, not a law enforcement authority.

Understandably, there are cases when a non-University employee or student may inform the Commission about the potentially unethical behaviour of a member of the University community. In such cases, the Commission shall also assess the content of the appeal or complaint received and, having assessed that it falls within the competency of the Commission, shall have the right to initiate an investigation on the basis of such information concerning a possible violation of academic ethics on its own initiative (Item 14 of the Commission Regulations). It should be noted that in such a case, the information received is not subject to the requirements set out for complaints or appeals, and its investigation is not subject to specific procedural requirements and time limits established for the investigation of complaints and

appeals, but the information is examined in accordance with the principles set out in the Commission Regulations, and the investigation is closed upon a decision on whether academic ethics were violated or not. When the investigation is carried out pursuant to Item 14 of the Commission Regulations, the person who appealed to the Commission and submitted the information shall not be considered a party to the dispute regarding academic ethics, but shall be informed of the decision taken by the Commission.

The Commission notes that, where specific questions and doubts are raised about potential violations of academic ethics and impartiality in decision-making by members of the University community, especially those in high administrative positions, the Commission has the duty to assess such information in terms of academic ethics and to establish, within the limits of its competency, whether there have been or have not been violations of academic ethics in the actions of a member of the community. Based on these provisions, the Commission initiated and conducted an investigation regarding possible violations of academic ethics by Prof. A. K.'s actions.

2. The Applicant raises a question to the Commission in his appeal concerning the actions of Prof. A. K. that may be in violation of Item 11(2) of the Code of Academic Ethics of Vilnius University, which identifies the “assumption of academic result assessment or management/leadership functions in respect of a family member, relative or other person who is close to the academic staff member” a violation of academic ethics. The Commission explains that this provision prohibits the use of position held and/or the influence of other types (e.g. of a lecturer over students) to make decisions that are biased, beneficial or substantially facilitating for another person (family member or other person close to that staff member). Single-handed decisions made with respect to a close person or family member are particularly rigorously assessed, especially when they are made on the fundamental issues of the situation and status of this person at the University. Participation in a decision of a collective structure (council, committee, commission, etc.) that benefits a family member or other close person is generally considered unacceptable from the point of view of academic ethics. In order to eliminate the possibility of potentially unethical or biased decision-making, members of the community are recommended to declare, in all these cases, the possible conflict of interest and to withdraw from such decisions regarding their family members, relatives, and other persons close to them.

On the other hand, the Commission notes that academic ethics is not violated by decisions and activities that are based not on biased and unethical grounds but on the competency of the participants in the relations and stemming from the principle of academic freedom. Due to

this reason, the work of family members in the same unit, joint research and publications, studying in the unit headed by a family member, is not in itself considered to be a violation of academic ethics, and, on the contrary, quite a common tradition of the University.

3. The Commission points out that, according to the generally accepted general legal principle *lex retro non agit* (the law does not operate retroactively), potential violations of academic ethics must be assessed in accordance with the legislation in force at the time when the violation was allegedly committed. In view of this provision, the Commission assessed the possible violations of academic ethics committed by Prof. A. K. in 2012–2017 in the context of the Code of Academic Ethics that was in force at the time, approved by Resolution of the Senate of Vilnius University on 13 June 2006 (protocol No. S-2006-05). The wording of the Code in force in 2006 did not contain the provision currently enforced in Item 11(2) of the Code, but the principle of unethical decisions regarding family members and other close persons was reflected in several different Items of the Code (Item 2(2) “*Relations between the members of the University community are based on /.../ impartiality /.../ principles*”; Item 2(4)(4) laid down the prohibition to exercise the “*right to vote when a question relating to a family member /.../ is addressed /.../ in the self-governing bodies of the University, i.e., it may lead to a conflict of public and private interests*”;

Item 3(1)(2) laid down the prohibition to take on “*the role of a teacher*” in relation to a family member in cases where such a role can be avoided).

In the context of the aforementioned provisions listed in the wording of the Code of Academic Ethics in 2006, the Commission, having assessed the information available (see paragraph 2 of this Decision), has not identified violations of academic ethics in the actions of Prof. A. K. in regards to his academic relations with S. K. In the absence of a violation of academic ethics, the Commission shall not comment further on the potential gross violation of academic ethics.

4. 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, 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, in accordance with Items 14 and 35(2) of the Regulations of the Central Academic Ethics Commission, the Central Academic Ethics

Commission hereby decides

1. to state that no violations of academic ethics were determined in Prof. A. K.'s actions;
2. to make the depersonalised decision of the Commission publicly available.

Chairperson Assoc. Prof. Vígita Vèbraitè