



# **MALTA INSTITUTE OF MANAGEMENT**

## **MALADMINISTRATION & MALPRACTICE POLICY**

## *Maladministration and Malpractice Policy*

Suspicion of malpractice or maladministration may arise from a variety of sources of information for example during the assessment of learner work, analysing plagiarism reports or assessment records.

The policy sets out the principles on how MIM should deal with such cases and the steps which must be followed when reporting suspected or actual cases of malpractice and maladministration.

### **Definitions of Malpractice**

For the purposes of this policy 'Malpractice' will be defined as:

'Non-compliance with the regulations pertaining to the assessment process, which may adversely affect the integrity of a qualification, its assessment and the validity of learner certificates'.

Malpractice may include a range of issues from failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

Examples of Institute malpractice:

- Repeated short-notice cancellation of external verifier
- Continued failure to meet Institute's requirements regarding assessment and internal verification
- Using threatening or abusive behaviour towards staff or lecturers, either in person or via email or telephone
- Fabricating or changing judgements for internally assessed work, without following agreed internal policies and processes
- Repeated incidences of insufficient evidence of the learners' achievements to justify the marks given or assessment decisions made etc.
- Inefficient record of collaboration with essential student support networks
- Inadequate adherence to students specific learning needs
- Insufficient implementation of the institutions professional code of conduct

Examples of learner malpractice:

- Cheating: including:
  - o Communicating with or copying the work of another learner during an examination
  - o Introducing written or printed material into an examination room, when prohibited
  - o Possession of any materials not permitted in the room, such as electronic devices including mobile phones, personal organisers, books, dictionaries or calculators
- Collusion: when a learner submits work as their own, when it was completed in collaboration with another person. It also applies to a learner that permits another learner to copy all or part of their work and submits it as an original piece of work
- Falsifying Data: This could take place in research projects when learners gather and use primary data to support an argument
- Ghosting: This occurs when a learner submits work as their own although it has been produced in whole or part by another person on their behalf or has been bought from the internet
- Plagiarism: the presentation of work by learners as their own etc.

## **Definition of Maladministration**

For the purposes of this policy this is defined as:

‘Any activity, neglect, default or other practices that result in the Institute not complying with the set requirements for delivery and assessment of qualifications’.

Examples of maladministration:

- Delay in issuing certificates
- Inadequate record keeping
- Intentionally making misleading affirmations
- Unreasonable delays in responding to requests etc

## **Process**

An annual register of malpractice and maladministration cases should be kept, which will also include the cases that were found not proven. This will help ensure that procedures are applied properly and fairly.

The policy will be constantly reviewed as to ensure that followed procedures are consistent to the accreditation requirements.

In all cases, until an investigation has been completed and the allegation or suspicion proved, the institute shall use the terms ‘alleged malpractice or maladministration’ or ‘suspected malpractice or maladministration’, in relation to the case.

Allegations should be made in writing. They should include:

- Learner’s full name, address and student ID number
- Learner’s support assistant name and staff ID number (if applicable)
- Details of affected qualification or service
- Nature of the suspected malpractice or maladministration
- Details of any previous mitigation, if occurred
- Name and role of persons involved in the allegation

## **Procedures to be followed**

These procedures are put in place in order to cover a wide range of circumstances related to:

- The subject of the allegation
- The person making the allegation
- The nature and gravity of the allegation

### **1. Alleged Malpractice by Learners**

The Institute shall first make an investigation of incidents. Following this, the Institute will:

- inform the learner in writing of the nature of the alleged or suspected malpractice, of the procedures that will be followed, and the possible penalties if malpractice is proven
- investigate the allegation or suspicion
- allow the learner to contest or refute the allegation or suspicion, in writing or at a hearing with the Programme Manager/Director of Institute
- allow the learner to be accompanied by a support at the hearing
- make a decision based on the investigation and/or hearing

- inform the learner of the outcome in writing
- keep a full record of the case in accordance to data protection and information management policies (annex 3 and 24), including:
  - o details of the facts
  - o names of all people involved in the case and their roles
  - o copies of all written statements
  - o details of the investigation
  - o records of hearing, if occurred
  - o copy of the work which is subject to the allegation
  - o record of the decision taken
  - o record of confirmed penalty

The following penalties may be imposed, depending on the nature and gravity of the malpractice:

- a written warning
- not completing the module unit
- not achieving the qualification
- disqualification from the qualification concerned
- a combination of two or more of the above
- other actions

## **2. Alleged malpractice or maladministration by Institute's employees**

Upon receipt of the written allegation or suspicion, the Institute will conduct an investigation; will determine the outcome and the penalty and will take appropriate measures, as per the Institute's procedures and employment regulations.

Where the malpractice or maladministration appears to involve a criminal offence, the institute shall report the case to the police.

At all times the Institute will ensure that the personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

During the investigation the employee(s) may be suspended or moved to other duties until the investigation is complete.

If the investigation confirms that malpractice or maladministration has taken place, the Institute shall take any actions necessary to:

- safeguard the integrity, validity or reliability of any assessment process and/or the validity of any certificates
- to protect the interests of learners and their needs
- to maintain public confidence in the institute
- to maintain the institute's status as an awarding organization

The actions will include amendments as appropriate concerning:

- aspects of the employee qualification development
- delivery of the modules
- awarding arrangements
- assessment and/or monitoring arrangements

- internal operational procedures
- staff recruitment and training

in order to prevent any similar issues from recurring.

### **Appeals against Sanctions**

When an Institute employee or learner wishes to appeal against the decision, they can appeal by writing to the Programme Manager/Director of Institute. The appeal must be made within 5 working days of the notification of the outcome and sanctions.

In the appeal should be included:

- The reason/s why the employee/learner believes the original decision and sanctions were not justified
- Any further information to support the appeal

The Institute shall review the original response received by employee/learner. If the matter has been fully addressed and there is no further information the appeal will be closed. If the initial response did not deal with all areas of the additional information presented, the appeal will be reviewed.

A written response from the Programme Coordinator/Head of QA will be received within 10 working days of the acknowledgment of the complaint. The Programme Coordinator/Head of QA decision is final.