

Malta Business School

Academic Misconduct Policy

Revision History			
Version Number	Revision Date	Revised by	Summary of changes
Version 0	07-01-2018	CC	Set up of Policy document.
Version 1	30-01-2021	CC	Edits to represent School growth
Version 2	24-03-2022	CC	Further examples included
Version 3	07-08-2023	AZ, CC	Inclusion about use of AI.
Version 4	01-10-2025	SG, CC	Updates to the appeal process. Separation into 2 policies, one for staff and one for learners. Change in name.

MBS Academic Misconduct Policy

1. Introduction

1.1 Malta Business School (also referred to as MBS or the School) is committed to investigate all cases that might represent malpractice and misconduct. Where cases of suspected malpractice and/or academic malpractice are proven, MBS also remains fully committed to take appropriate action, including applying disciplinary measures, in order to maintain the integrity of the School.

2. Objective

2.1 This MBS academic misconduct policy is designed to enable the School and/or professional bodies to work co-operatively to reduce levels of malpractice through the effective detection of irregularities and the imposition of appropriate sanctions. At no stage will MBS tolerate actions, or attempted actions, of malpractice by learners and/or staff of the School.

3. Learner malpractice

Attempting to, or actually carrying out, any malpractice activity is not permitted by the School. The following are examples of malpractice by learners. *This list is not exhaustive, and other instances of malpractice are considered by the School:*

3.1 Plagiarism by copying and passing off, as the learner's own, the whole or part(s) of another person's work, including artwork, images, words, computer generated work (including internet sources), thoughts, inventions and/or discoveries whether published or not, with or without the originator's permission and without appropriately acknowledging the source.

3.2 Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work. [Learners should not be discouraged from teamwork, as this is an essential key skill for many sectors and subject areas. The use of minutes, allocating tasks, agreeing outcomes, etc are an essential part of teamwork to avoid malpractice.]

3.3 Impersonation by pretending to be someone else in order to produce work for another, or arranging for another to take one's place in an assessment/examination/test.

3.4 Cheating or attempting to cheat such as:

- During examinations/tests,
- Buying or ghost-writing of assessments,
- Over editing, by someone other than the learner, such as rewriting sections of text, and
- Carrying out research on behalf of the learner.

3.5 Malta Business School recognises that there might be legitimate use of AI tools, for example to check spelling and/or grammar especially for learners with English as a second language. This is considered to be 'responsible use' of AI tools. However, cheating or attempting to cheat through the use of AI tools or applications (Apps) for example through the use of ChatGPT or other AI tools, for course work and assessments (such as assignments) is similar to receiving assistance from another person and raises the same concern that the work is not the learner's own. Copying content generated by AI tools is like copying from anywhere else without referencing and paraphrasing. Such situations are considered to be misuse of AI tools and constitute academic

malpractice. For further information and guidance about the use of AI composition software please review the '*MBS Guidance on the use of AI Composition Software for Learner Work*'.

4. Policy implementation

4.1 MBS will impose disciplinary procedures with learners of the School where incidents, or attempted incidents of malpractice have been proven.

4.2 MBS staff and learners are responsible to report any suspicion of academic malpractice and the MBS senior management team will facilitate investigation of the alleged irregularities. In all cases, the senior management team will notify the ARB (Academic Review Board).

4.3 MBS will indicate the proposed action and an estimated timescale for the investigation to be carried out. Timelines should be respected and adhered to as much as possible, however, it is to be recognised that in some cases a thorough review of a submission or case may go beyond the standard timeline.

4.4 MBS will maintain **confidentiality** of the relevant materials and ensures that they are kept secure and not disclosed to any third parties. The individual's privacy will be respected at all stages of the process. However, it must be accepted that some disclosure will be required to enable investigation of the case to proceed.

4.5 MBS will keep records of any suspicion of malpractice and of any investigations into alleged irregularities such as:

- Origin of the complaint or mode of discovery of the alleged irregularity(ies)
- What, when and by whom investigations were carried out
- Evidence obtained
- Opinion/s drawn from evidence, and
- Suggestions for action and resolution of the matter.

4.6 MBS will endeavour to make the whole process clear and simple to follow to reduce uncertainty for the individuals concerned. It is strongly recommended that concerned parties first try to resolve any matters informally and to seek informal resolution. For example, when a learner submits a highly plagiarised assignment, the academic team can reach out via phone or online meeting to discuss the submitted assignment and enquire about it. In some cases, the School will accept that after this discussion, the learner will retract or withdraw their assignment.

5. Process of implementation

5.1 MBS will inform learners about academic malpractice (which also includes plagiarism) during the induction phase of studies. Learners will be shown the appropriate way and format to record and reference cited texts, and other materials or information sources.

5.2 As much as is reasonable possible, MBS will favour assessment procedures that are designed to reducing the opportunity for academic malpractice.

5.3 Following a suspicion of academic malpractice the Academic team will make their first investigations into the case.

5.4 If the Academic team agree that this is NOT a case of learner academic misconduct or malpractice, the case stops here.

5.5 If the Academic team agree that there is valid suspicion, a discussion needs to be held with the learner. A notification email with a meeting request will be sent to the learner. This discussion needs to be held as soon as possible.

5.6 The discussion is to be an open, informational and non-confrontational conversation between the tutor or staff member and the learner, facilitated by a member from MBS management or designate. During the discussion the learner will be allowed ample time to answer questions. The goal of the discussion is to get all the information/explanations needed to make a fair and appropriate decision.

5.7 Following the meeting, the details of this discussion are to be documented, and the Academic team will meet to discuss the outcome of the meeting taking into consideration the initial investigations and the emerging themes following the discussion with the learner.

5.8 The following are the only 2 (two) decisions that can be taken:

Decision A: Learner is not charged with misconduct.

5.8.1 The Academic team decide that this was not a case of academic misconduct but rather of poor study skills and a disorganised learning process. However, the learner needs further education. The learner can be referred to the notes about avoiding academic malpractice and/or assigned further work about academic integrity for educational purposes. The learner can also be asked to re-do parts or all of the assigned work.

Decision B: Learner is charged with misconduct.

5.8.2 The Academic team decide that this is a case of academic misconduct. An appropriate action must be determined. The minimum penalty is a mark of "0" on the work for all assessment criteria and learning outcomes. This is not optional. A 'Disciplinary Note' is placed on the learner's record. This is not a penalty but a consequence. The learner will also automatically fail in the unit/course/module.

5.8.3 If the academic misconduct is very serious the Academic team may recommend that the learner is withdrawn from their programme of studies and/or expelled from Malta Business School.

6. Communicating the decision to the learner and the right of Appeal

6.1 Following the above process, the learner will be notified via email regarding the decision, including any actions needed or penalties given (where appropriate). In this same communication, the learner will be given the opportunity to appeal the decision by replying in writing to the email within five (5) working days. The learner will be made aware that they can also ask for a meeting with the Dean to present their case.

6.2 The entire process will be conducted in adherence to the principles of Natural Justice, specifically ensuring the right to a fair hearing (*audi alteram partem*) and the impartiality of the decision-makers (*nemo iudex in causa sua*).

6.3 The learner can ONLY appeal based on the following grounds:

- A procedural irregularity – such as a failure on behalf of MBS to follow its own process and procedures.
- New evidence – the availability of new evidence that could not reasonably have been presented at the original meeting.
- Disagreement with penalty – the learner agrees with the decision but the penalty imposed is seen as unreasonable or disproportionate to the malpractice proven.

6.4 The learner, has the right to ask for and attend an appeal meeting to present their position, respond to the evidence, defend their case, and provide any other mitigating circumstances information.

6.5 When the learner asks for an appeal, they will be invited to a meeting with the Dean and at least one other member of staff or MBS consultant chosen ad-hoc. MBS members at this meeting must be impartial and have no prior direct involvement in the initial reporting or investigation of the case, nor any conflict of interest with the learner. Any potential conflict of interest must be declared in advance.

6.6 During the Appeal meeting, the learner will be permitted to present relevant evidence

6.7 Following this Appeal meeting, the Academic team will discuss the case at the ARB (Academic Review Board) to reach a decision. Such a decision might not always be clear cut and obvious. The ARB will determine whether malpractice has occurred on the balance of probabilities, that is whether it is more likely than not that the malpractice took place. The burden of proof rests with the School.

7. Communicating the final decision to the learner

7.1 The final decision will be communicated to the learner in writing (via email) within 5 days of the ARB meeting and decision. This communication will clearly include:

- The findings of fact,
- The specific reasons for the conclusion reached, and
- The penalty imposed.

8. Responsibility of MBS

8.1 MBS has a public duty to ensure that the highest academic standards are maintained in the conduct of assessment. This is essential to safeguard the legitimate interests of its learners and the School's reputation.

8.2 MBS will take action against anyone who goes against this policy through negligence, foolishness or by deliberate intent. MBS does not tolerate actions, or attempted actions, of malpractice by either learners or staff members

9. Penalties

9.1 There are a variety of penalties that could be applied to learners. These measures depend on the intensity of the incident and the nature of the malpractice and can therefore vary in nature. The following are some of the consequences that could be applied if malpractice is proven. *This is not a full and final list of penalties.*

9.2 A learner involved in academic malpractice, can:

- Be asked to resubmit their coursework, or
- Fail the module/unit of study, or
- Be withdrawn from the programme of studies.

9.3 Each suspicion of malpractice is treated in confidence and according to the gravity of the situation.

9.4 *This policy does not list/mention all types/instances of malpractice and it is the learner's responsibility to keep informed and up-to-date to avoid malpractice.*

10. Guidance to prevent learner malpractice

10.1 As a School, MBS will always aim to take positive steps to prevent, as much as it is reasonably possible, the occurrence of learner malpractice. Below are examples of good practice that should be followed:

10.2 Using the induction period and the learner handbook to inform learners of the School's policy on malpractice and the penalties for attempted and actual incidents of malpractice.

10.3 Showing learners the appropriate formats to record cited texts and other materials or information sources. Learners should not be discouraged from conducting research. Indeed, evidence of relevant research often contributes to the achievement of higher grades. However, the submitted work must show evidence that the learner has interpreted and synthesised appropriate information and has acknowledged any sources used.

10.4 Introducing procedures for assessing work in a way that reduces or identifies malpractice, such as using plagiarism software.