

## **Malta Business School**

### **Malpractice Policy for Staff**

<b>Revision History</b>			
<b>Version Number</b>	<b>Revision Date</b>	<b>Revised by</b>	<b>Summary of changes</b>
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	CC	Separation of policy into 2 different policies: one for staff and one for learners. Change in name to reflect this change.

## **MBS Malpractice Policy for Staff**

### **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. Where cases of suspected 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 malpractice policy is designed to enable the School and/or professional bodies to work co-operatively to reduce levels of malpractice or misconduct 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 Malpractice by MBS staff**

Malpractice by MBS staff members can include but is not limited to:

3.1 Failing to keep assessment mark schemes secure.

3.2 Alteration of assessment marking scheme and/or grading criteria.

3.3 Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment. For example, where the assistance involves staff producing work for the learner.

3.4 Producing falsified witness statements, for example, for evidence the learner has not generated.

3.5 Allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework as the case may be.

3.6 Mis-using the conditions for special learner requirements, for example where learners are permitted support such as an amanuensis. Such support has the potential to influence the outcome of the assessment if used with purposeful bad intent.

3.7 Failing to keep learner files secure whether digital, paper-based and/or in other formats.

3.8 Falsifying records/certificates, for example by alteration, substitution, and/or fraud.

3.9 Failing to keep assessment/examination/test papers secure prior to the assessment/examination/test.

3.10 Obtaining unauthorized access to assessment/examination/test material prior to an assessment/examination/test.

3.11 Tampering with coursework/scripts after collection and before internal verification.

#### **4 Policy implementation**

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

4.2 MBS staff are responsible to report any suspicion of malpractice and the MBS senior management team will facilitate investigation of the alleged irregularities. In all cases, the senior team will notify the ARB (Academic Review Board) or the MRB (Management Review Board) as the case may be.

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 case may go beyond the standard timeline.

4.4 MBS will maintain **confidentiality** of the relevant details (and 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 tutor alters a marking scheme, the senior management team can reach out via phone or an online meeting to discuss the case and enquire about why it happened. In some cases, the School will accept that after this discussion, the tutor will retract or withdraw the altered marking scheme.

#### **5 Process of implementation**

5.1 MBS will inform staff about malpractice on induction and onboarding.

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

5.3 Following a suspicion of malpractice at work, the senior management team will make their first investigations into the case.

5.4 If the senior management team agree that this is NOT a case of malpractice the case stops here.

5.5 If the senior management team agree that there is valid suspicion, a discussion needs to be held with the member of staff and a meeting will be requested. This discussion needs to 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 senior management team (two people). During the discussion the member of staff 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 senior management 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 member of staff.

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

**Decision A: Staff member is not charged with misconduct or malpractice.**

5.9 The senior management team decide that this was not a case of intentional misconduct or malpractice but rather (for example) of poor organisation skills. The member of staff will be asked to re-do parts or all of the assessed work.

**Decision B: Staff member is charged with misconduct or malpractice.**

5.10 The senior management team decide that this was a case of intentional misconduct or malpractice. An appropriate action must be determined. The case will move to the Dean and an ad-hoc investigations board will be set up within five (5) days. The ad-hoc Board will be set up depending on the nature of the case. For example:

- Academic matters can be referred to the Academic Review Board.
- Non-academic or administrative matters can be referred to the Management Review Board.
- Other matters can be referred to an ad-hoc Investigations Board.

The reviewing or investigations Body will consider the evidence, hear from relevant parties, and issue a formal decision.

5.11 If the malpractice/misconduct is very serious the Board may recommend that the member of staff is dismissed.

## **6 Communicating the decision to the member of staff and the right of Appeal**

6.1 Following the above process, the staff member will be notified via email regarding the decision, including any actions needed or penalties given (where appropriate). In this same communication, the staff member will be given the opportunity to **appeal** the decision by replying in writing to the email within five (5) working days. The staff member 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 staff member 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 staff member agrees with the decision but the penalty imposed is seen as unreasonable or disproportionate to the malpractice proven.

6.4 The member of staff, 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 staff member asks for an appeal, they will be invited to a meeting with the Dean and at least one other senior staff member 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 staff member. Any potential conflict of interest must be declared in advance.

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

6.7 Following this Appeal meeting, the case will be discussed at Board level (depending on the case: Academic Review Board or Management Review Board or ad-hoc Investigations Board) to reach a decision. Such a decision might not always be clear cut and obvious. The Board will determine whether misconduct or malpractice has occurred on the balance of probabilities, that is, whether it is more likely than not that the malpractice or misconduct took place. The burden of proof rests with the School.

## **7 Communicating the final decision to the member of staff**

7.1 The final decision will be communicated to the staff member in writing (via email) within 5 days of the Board 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 standards (whether academic or otherwise) are maintained at the School. 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 staff members. 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 In some cases, a member of staff can be:

- Issued with a written warning about future conduct.
- Reprimanded.
- Barred from the use of certain tools and access to records

9.3 In very serious cases, a staff member can be:

- Subjected to legal disciplinary procedures (such as termination).

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

9.5 This policy does not list/mention all types/instances of malpractice or misconduct, and it is the responsibility of the members of staff to keep informed and up-to-date to avoid malpractice and misconduct.

## **10 Guidance to prevent staff 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 staff malpractice or misconduct. Below are examples of good practice that should be followed:

10.2 Using the probation period and Staff handbook to inform new members of staff of the School's policies and procedures including information on malpractice or misconduct.

10.3 Job shadowing and/or coaching on-the-job as much as is reasonable possible, to show new members of staff the appropriate formats, procedures and SOPs that are followed at MBS.

10.4 Introducing check-points in processes and procedures in a way that reduces or identifies issues or challenges so as to avoid malpractice.