

# **Malpractice and Maladministration**

Policy and Procedure



## Document Overview

<b>Title:</b>	Malpractice and Maladministration Policy and Procedure		
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## Version History

Version No.	Date	Description of Changes
V1	Oct24	Initial document creation

### Continuous Improvement

Policies, procedures and processes are meant to be 'living' documents that need to be followed, implemented and maintained. If the procedure does not reflect the current, correct work practice please contact us on [quality@cmbs.edu.mt](mailto:quality@cmbs.edu.mt)

**Ensure you are reading the latest version available on the CMBS LMS.**

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# **1. Malpractice and Maladministration Policy and Procedure**

## **1.1 Scope and Applicability**

This policy applies to all CMBS Stakeholders including those engaged in teaching, assessment, administration, and support services both in Malta and Overseas. It encompasses all qualifications and programmes offered by CMBS/CMBS Approved Centres/Sites of Learning and addresses actions and behaviours that may constitute malpractice or maladministration. This policy is relevant to internal assessments, examinations, certification processes, and administrative functions within CMBS and CMBS Approved Learning Centres.

## **1.2 Purpose**

The purpose of this policy is to uphold the integrity and credibility of CMBS' qualifications by defining and addressing malpractice and maladministration. The policy aims to ensure that all academic and administrative processes are conducted fairly, transparently, and in accordance with the regulations set forth by the Malta Further and Higher Education Authority (MFHEA) and other relevant bodies. Additionally, it aims to protect the reputation of CMBS, its students, staff, and all stakeholders by outlining clear procedures for identifying, reporting, and managing incidents of malpractice and maladministration.

## **1.3 Policy Statement**

CMBS is committed to maintaining high standards of academic integrity and administrative accuracy. The following guiding principles underpin this policy:

- CMBS does not tolerate any form of malpractice or maladministration. Any proven incidents will result in appropriate penalties or sanctions.
- All allegations of malpractice or maladministration will be investigated thoroughly, fairly, and impartially. Procedures will be transparent to all parties involved.

- The validity and reliability of CMBS’s qualifications and assessments are paramount. Measures will be in place to safeguard the assessment processes and ensure the accuracy of results and certifications.
- All CMBS stakeholders are responsible for adhering to this policy. Staff must be vigilant and report any suspected instances of malpractice or maladministration.
- CMBS will regularly review and update its procedures to prevent malpractice and maladministration, ensuring continuous improvement and alignment with best practices and regulatory requirements.

## 2. Definitions and Examples

### 2.1 Malpractice

Malpractice is generally defined as an act or an instance of improper practice . Malpractice is any activity, which could compromise the:

- Integrity of a regulated qualification.
- Validity of a result or certificate.
- Internal or external assessment process.
- Reputation or credibility of CMBS, regulatory bodies such as; the Malta Further and Higher Education Authority (MFHEA) or the international awarding bodies.

Malpractice may be identified by a staff member, tutor, internal verifier or external verifier, CMBS approved learning centre and/or third party by sending written allegations directly to CMBS.

#### 2.1.1 Assessment Malpractice

Assessment Malpractice consists of those acts which undermine the integrity and validity of the assessment, the certification of qualifications and/or damage the authority of those responsible for conducting the assessment and certification.

All staff must be vigilant regarding assessment malpractice, and where malpractice occurs, it must be dealt with in an open and fair manner.

This policy on malpractice aims to:

- define malpractice in the context of assessment and certification for any qualification;
- set out the rights and responsibilities regarding malpractice.

## 2.2 Maladministration

Maladministration is generally defined as any activity, practice or omission which results in the CMBS stakeholder being non-compliant with administrative regulations and requirements.

### 2.2.1 Examples of Maladministration

Maladministration at CMBS may include but is not limited to:

- Failure to have robust procedures in place for the review and monitoring of any administrative, assessment or quality process that could result in the deliberate falsification of records.
- Insufficient procedures for induction of members of staff.
- Failure to maintain accurate records relating to learners, assessments or internal quality assurance, or failure to maintain records for the stipulated period required by the MFHEA and/or other pertinent body.
- Failure to provide students and staff with knowledge of their responsibilities.
- Failure to report malpractice to an awarding body, when applicable.
- Failure to keep question papers secure prior to and after examinations.
- Persistent mistakes or poor administration resulting in failure to keep appropriate students assessment records.
- Inaccurate recording of student assessment decisions leading to invalid claims for certification.

### 2.2.2 Influencing the Assessment or Certification Process

The influencing of an assessment or certification process may include but is not limited to the following actions:

- The unauthorised obtaining, disseminating or facilitating of access to secure examination material.
- Assisting or prompting students in the production of answers to examination and/or assessment.
- Deliberately claiming for certificates where there is no evidence to support certification.

- Failure of CMBS/Approved Centre staff or CMBS approved learning centres to report any instances of malpractice or suspected malpractice to the appropriate person.
- Manipulating students' samples for the purpose of external quality assurance.
- Any action or inaction that allows students to have an unfair advantage.

### 3. Procedure

In cases where malpractice/maladministration are suspected the person (holding whichever role within the organisation) is responsible for flagging any suspected breach of policy, in writing, to the School Principal or in the case of CMBS approved learning centres, to the Director of Quality & Compliance. In cases where such breach involves the school principal then this should be escalated to the CEO. In cases where the CEO is also responsible then matters should be brought to the attention of the CMBS board.

#### 3.1 Process for Suspected Malpractice/Maladministration

CMBS is committed to acting transparently and effectively in response to all requests for investigations into suspected incidents of malpractice or maladministration, in the best interests of its stakeholders. The rights of individuals, including protection against discrimination, will be upheld in accordance with relevant legislation, such as the Whistleblower Protection Act 2021 or any subsequent amendments.

1. Any suspected malpractice or maladministration by CMBS staff, faculty, or CMBS approved learning centres, must be reported within 5 working days of its identification, as follows:
  - Related to Staff or Faculty: email the School Principal on [kristina@cmbs.edu.mt](mailto:kristina@cmbs.edu.mt)
  - Related to CMBS Approved Learning Centres: email the Director of Quality and Compliance on [quality@cmbs.edu.mt](mailto:quality@cmbs.edu.mt)
  - Related to School Principal or Director of Quality and Compliance: email the CEO on [morgan@cmbs.edu.mt](mailto:morgan@cmbs.edu.mt)
  - Related to CEO: email the holding board on [board@cmbs.edu.mt](mailto:board@cmbs.edu.mt)



2. Investigations will be conducted by the Quality Assurance Committee within 5 working days of the report. The Quality Assurance Committee will review the findings and determine appropriate actions, which may include sanctions for the student or staff member involved.
3. In cases involving foreign qualifications, any suspected malpractice or maladministration must be reported to the relevant awarding body within 10 days of identification and before any internal investigation begins.
4. For incidents related to plagiarism, cheating, or collusion, please refer to the **Code of Academic Integrity Policy** and **Recognising and Avoiding Plagiarism Policy and Procedure**.
5. CMBS will provide a formal report on its findings within 5 working days of the initial report of suspected malpractice or maladministration.

### **3.2 Actions Following an Investigation**

The School Principal is responsible to maintain records of all potential cases of malpractice/maladministration. The final outcome following an investigation is at the discretion of CMBS. In cases of internationally accredited programmes CMBS will consult with any other awarding bodies before a decision is made.

#### **3.2.1 Possible Actions for Malpractice/Maladministration**

If the investigation determines that malpractice/maladministration has taken place, dependent on the gravity and scope, one or more of the following actions may be taken:

1. A written warning issued that if the offence is repeated, further specified sanctions may apply.
2. In the case of CMBS malpractice for homegrown programmes, a report is submitted to the Quality Committee with an action plan. Sanctions may apply depending on the severity of the malpractice.
3. A report may be shared with relevant regulatory bodies and other awarding bodies or to the police.

In addition to the above, the awarding body may decide to take specific action against a student or a specific member of staff depending on the gravity and scope of the investigation outcome. This could include:

- Suspension of member of staff from any involvement in the delivery of qualification or other programmes for a set period of time.
- Barring a student from registering for a qualification with the awarding body for a set period of time.

### **3.2.2 Possible Actions for Malpractice/Maladministration by CMBS Approved Learning Centres/Sites of Learning**

If an investigation determines that malpractice or maladministration has occurred at a CMBS Approved Centre or Site of Learning, one or more of the following actions may be taken, depending on the severity and scope of the incident:

- A formal written warning may be issued to the Centre or Site of Learning, highlighting the specific areas of non-compliance and required corrective actions.
- The Centre or Site of Learning may be required to implement an improvement action plan, detailing steps to address the identified issues and prevent recurrence. This action plan must be approved by CMBS and monitored for compliance.
- Temporary suspension of the Centre or Site of Learning's operations related to the delivery of CMBS qualifications and programmes until compliance is re-established.
- In severe cases, CMBS may revoke the approval status of the Centre or Site of Learning, thereby terminating their ability to offer CMBS qualifications and programmes.
- Mandatory retraining of staff at the Centre or Site of Learning, followed by a re-assessment of their procedures and practices to ensure compliance with CMBS standards.
- Increased frequency of monitoring visits and audits to ensure ongoing compliance with CMBS policies and procedures. This may include unannounced visits and reviews.
- In cases where public trust and the reputation of CMBS are significantly impacted, a public disclosure of the malpractice or maladministration incident and the actions taken may be necessary.
- Imposition of financial penalties or the requirement to reimburse costs incurred by CMBS due to the malpractice or maladministration incident.
- Where applicable, legal action may be pursued against the Centre or Site of Learning if the malpractice or maladministration involves illegal activities.

These actions aim to uphold the integrity of CMBS qualifications and ensure that all Approved Centres and Sites of Learning maintain high standards of practice and compliance with regulatory requirements.

#### **4. Associated Policies**

- CMBS Ethos
- Code of Ethics
- Code of Academic Integrity
- Research Ethics
- Recognising and Avoiding Plagiarism Policy and Procedure
- Assessment and Internal Verification Policy
- Assessment of Dissertations
- Student Rights, Responsibilities and Code of Conduct Policy
- Programme and Academic Regulations
- Grievances and Appeals Policy and Procedure
- CMBS Approved Learning Centre Manual
- CMBS Quality Management Policy
- Conflict of Interest