



**Policy Document Number DTI/POL007**

**MALPRACTICE AND MALADMINISTRATION POLICY**

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VERSION 1 MAY 2025

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**1. Purpose**

The purpose of Malpractice and Maladministration Policy is to ensure the integrity, fairness, and credibility of Dermal Training Institute's training, assessments, and operations. It protects students, staff, and the institution's reputation by preventing, detecting, and addressing misconduct.

Key areas of the policy;

- Uphold Academic & Professional Integrity:
  - ✓ Ensures assessments and certifications are awarded fairly and ethically.
  - ✓ Prevents cheating, plagiarism, or falsification of student/staff records.
  
- Maintain Compliance by aligning with Kenyan Regulations
  - ✓ TVET Authority (TVETA) standards for accredited institutions.
  - ✓ Kenya National Qualifications Authority (KNQA) guidelines.
  - ✓ Constitution of Kenya (2010) – Fair administrative action (Article 47).
  
- Protect Students & Staff from Unfair Practices
  - ✓ Defines malpractice and maladministration.
  - ✓ Provides a clear process for reporting and resolving complaints.
  
- Safeguard Institutional Reputation
  - ✓ Prevents scandals that could damage Dermal Training Institute credibility with employers, regulators, and partners.
  - ✓ Ensures transparency in investigations and sanctions.
  
- Ensure Fair & Consistent Enforcement
  - ✓ Standardizes disciplinary actions (warnings, suspension, deregistration, legal action).
  - ✓ Protects whistle-blowers from retaliation.

**2. Scope**

This policy applies to all staff, trainers, assessors, learners, and stakeholders involved in Dermal Training Institute operations, and includes all internal and external assessments, training delivery, and certification processes.

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### **3. Definitions and Examples**

- **Malpractice:** Any act of deliberate wrongdoing, breach of assessment regulations, or unethical behaviour.
- **Maladministration:** Inefficient, improper, or negligent administration of academic or administrative processes.

Below are examples of malpractice and maladministration. The list is not exhaustive, it serves as a guidance to be used at the institute. Any other incident arising and isn't hereby listed and is established to be a malpractice or maladministration, will be handled with the same protocol.

#### **Malpractice (Intentional Misconduct)**

- Exam cheating/collusion
- Fake qualifications
- Bribery for grades
- Plagiarism in assignments
- Deliberate failure to continually adhere to the set guidelines of achieving genuine certification in terms of practical sessions and lecture attendance.

#### **Maladministration (Operational Failures)**

- Delayed issuance of certificates
- Poor record-keeping
- Unfair trainer bias
- Miscommunication of policies

### **4. Action plan**

- **Prevention**

Staff/student training on ethics and compliance.

Secure exam systems (invigilation, plagiarism checks).

- **Reporting**

Anonymous whistle-blowers channels (hotline/email).

Designated investigations officer.

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- Sanction

Minor offenses: Written warning, re-assessment.

Major offenses: Suspension, legal action, reporting to TVETA/KNEC.

- Appeals

Students/staff can appeal decisions via a fair hearings process.

**5. Investigation Procedures**

**1. Report Received**

Sources:

Student/Staff complaint (written/anon).

Exam invigilator's report.

Internal audit finding.

**2. Preliminary Assessment**

Within 24 Hours, Registrar/Quality Assurance Officer reviews:

- Severity (Minor/Major).
- Evidence (exam scripts, witness statements).
- Decision: Dismiss (if unfounded) OR Proceed to investigation.

**3. Formal Investigation**

Within 5 Working Days:

- Investigation Panel Formed (3 members: Academic, Admin, Neutral Rep).
- Evidence Collection:
- Interview complainant, accused, witnesses.
- Secure documents (CCTV, exam logs, emails).
- Interim Measures (if needed):
- Suspend accused from exams/training (if risk of tampering).

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**4. Findings & Recommendations**

Within 10 Days:

Panel submits written report with:

- Facts of the findings.
- Violation - TVETA Code and all other relevant bodies and authorities.
- Recommended sanctions

**5. Decision & Sanctions**

Within 3 Days after receiving the findings and recommendation, disciplinary actions and sanctions are drawn in regards to the guidelines below

Disciplinary Actions for Malpractice & Maladministration

(Hierarchy of Sanctions Based on Severity)

**1. Malpractice (Intentional Misconduct)**

<b>Offense Level</b>	<b>Examples</b>	<b>Possible Disciplinary Actions</b>
<b>Minor</b> (First-time, low impact)	- Copying in exams - Plagiarism in assignments	1. Written warning on record 2. Mandatory ethics training 3. Re-submission of work 4. 10-20% grade deduction
<b>Major</b> (Repeat/Serious breach)	- Exam paper leakage - Forgery of certificates - Bribery for grades	1. Suspension (1 term to 1 year) 2. Nullification of results 3. Financial penalty (up to KES 50,000) 4. Deregistration from program

Offense Level	Examples	Possible Disciplinary Actions
<b>Criminal</b> (Legal implications)	- Identity fraud - Sexual harassment for grades	1. Immediate expulsion 2. Blacklisting from TVETA institutions 3. Referral to police (e.g., under Penal Code)

2. Maladministration (Procedural Failures)

Offense Level	Examples	Corrective Measures
<b>Negligence</b>	- Delayed certificate issuance - Lost student records	1. Staff retraining 2. Written apology 3. Service recovery (e.g., fast-track processing)
<b>Systemic Failure</b>	- Recurrent exam errors - Bias in assessments	1. Process audit 2. Suspension without pay (1-3 months) 3. Demotion/contract termination

6. Communication

-Within 2 Days:

-Accused: Written outcome + appeal instructions.

-Complainant: Confidential summary.

Regulators (if required): Report to TVETA and all other Relevant bodies.

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## **6. Closure protocol**

### **A. Documentation & Archiving.**

**Filing Final Report:**

Include investigation findings, sanctions, appeal outcomes, and corrective actions.  
Label as "Closed - [Case ID]"

**Secure Storage:**

Maintain records for 5 years (per TVETA Retention Policy).  
Store digitally with password protection (per Data Protection Act).

### **B. Communication**

Notify Stakeholders:

- Complainant: Brief summary (confidentially).
- Accused: Final decision letter (if appealed).
- Regulators: Submit closed-case report to TVETA (if required).

### **C. Compliance Checks**

- ✓ Verify all sanctions implemented (suspensions, fines).
- ✓ Update student/staff records (blacklist if applicable or deregister).

## **2. Post-Case Review**

### **A. Root Cause Analysis**

For Recurrent Issues:

- Was there a policy gap? (unclear exam rules).
- Was staff training inadequate?
- Were monitoring systems weak?

### **B. Policy/Process Improvements**

Actions:

- Revise handbooks/training materials to prevent recurrence.
- Implement new safeguards that are more accurate to avert malpractice.
- Propose amendments to Dermal Training Institute Malpractice Policy.

### **C. Annual Audit**

- Every 12 Months: Audit all closed cases for trends (like frequent plagiarism in certain courses).

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- Report findings to Dermal Training Institute Academic Board.

**8. Right to Appeal.**

This structured appeal process ensures fairness and compliance with Kenyan constitutional rights (Article 47, Fair Administrative Action) and TVET regulations.

**1. Grounds for Appeal**

An accused party (student/staff) may appeal if they believe:

- Procedural errors occurred in the investigation.
- New evidence has emerged.
- Sanctions are disproportionate to the offense.

**2. Appeal Submission**

Timeline: Within 7 working days of receiving the disciplinary decision.

Method: Written submission to Dermal Training Institute Appeals Committee (email/hardcopy), including:

- Case reference number.
- Detailed grounds for appeal.
- Supporting evidence (e.g., witness statements, documents).

**3. Appeals Committee Review**

Committee Composition:

- 1 External Neutral Chair (education law expert).
- 1 Senior Academic Staff (not involved in initial case).
- 1 Student/Staff Representative (for transparency).

Process:

- Acknowledge receipt of appeal within 48 hours.
- Review case file within 5 working days.
- Hold hearing (optional):
- Appellant presents arguments.
- Original investigators respond.

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- Deliver verdict within 14 days of submission.

**4. Possible Appeal Outcomes**

**Decision**

**Actions**

Appeal Upheld

- Sanction revoked/reduced.
- Case reinvestigated or closed.

Appeal Partially Upheld

- Sanction modified (e.g., suspension reduced).

Appeal Dismissed

- Original sanction stands.

- No further appeals permitted internally.

**5. External Appeals (If Unsatisfied)**

For Students: Complain to TVETA Disputes Tribunal (within 30 days).

For Staff: Refer to Employment & Labour Relations Court (under Employment Act).

**6. Record-Keeping**

All appeal documents archived for 5 years (per TVETA Record-Keeping Guidelines).

Anonymized data used for annual policy reviews.

**Key Compliance Notes**

- ◇ Constitution Art. 50: Right to fair hearing.
- ◇ TVET Act §25: Mandates institutional appeal mechanisms.
- ◇ Data Protection Act: Secure handling of appeal records

**8. Policy Review**

This policy will be reviewed every 2 years or in response to regulatory or procedural updates.

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