



**L-Università
ta' Malta**



Justice Emeritus Vincent A. De Gaetano
Office of the Ombudsman - Commissioner for Education
11, St. Paul Street,
Valletta VLT 1210
Malta

1 April 2022

Re: Case No CEDUC-22-2586 – Final Opinion

Justice Emeritus De Gaetano,

Reference is made to your letter regarding the above-mentioned subject matter, dated 4th March 2022, in which you enclosed your final opinion regarding a complaint lodged by [REDACTED] (the "Complainant"), following an investigation by your Office.

While thanking you for the conclusion of the said investigation, the University of Malta ("UM") would hereby like to formally put forward its position regarding your proposed recommendation to reconstitute the Board of Examiners which examined the Complainant's dissertation.

In your final opinion, you state as follows:

6. In the Commissioner's considered opinion, the complainant's dissertation was doomed from the very moment that the Board of Examiners was approved by Senate on a recommendation of the Institute. [...]

7. In sum, the composition of the examining board in this case was, for the reasons given above, wrong in principle and resulted – predictably, one may add – in a very low mark [...].

With regards to the above observations, and with due respect to your considered opinion, the composition of the Board of Examiners, once effected according to law, cannot be subject to review by the office of the Commissioner of Education, being that the backbone of the University of Malta is its academic autonomy, as enshrined in the Education Act (Chapter 327, laws of Malta). The same law is clear as to the academic supremacy of Senate. In academic matters, the law grants Senate a wide role not only within the University of Malta, but also with respect to contribution to Maltese society (see article 79(g) of the Education Act). Senate's pivotal academic role is such that the University of Malta is a self-accrediting institution at the highest levels of the Malta Qualifications Framework.

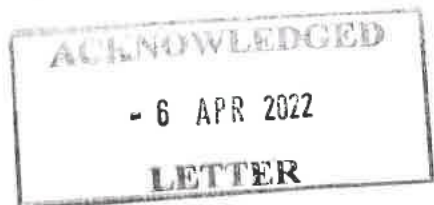
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Prof. Carmen Sammut
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Pro-Rector for Student &
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In this light, applying the Commissioner of Education's considered opinion regarding the required expertise of the members of the Board of Examiners runs counter to the principle of autonomy and academic freedom that applies to all universities. In so far as [REDACTED] case, the University's position therefore remains that:

- (a) The student chose not to exhaust the ordinary remedy available to him; and
- (b) The members of the board of examiners were adequately placed to specifically address the various research questions of the Complainant's dissertation from a holistic perspective, being that the Complainant's dissertation dealt with ethnomusicological and performative arts fields clearly within a wider policy context than a focused view on ethnic music and the performing arts.

Additionally, following receipt of your final opinion, and further to a query by the Complainant, the Registrar's office specifically informed the Complainant that, should your recommendation be taken up by the University, he would be unable to graduate with the current cohort of graduates (March/April 2022); and moreover, an assessment by a re-constituted Board of Examiners could lead to a grade higher or lower than that previously given. The Complainant chose to graduate on 23rd March 2022, and was granted a definitive certificate of graduation, with his final grade confirmed.

Being that his examination and graduation processes are now finalised, there can be no further review of the Complainant's result, and any other option that the University could have entertained (such as re-opening the possibility of the ordinary remedy of the revision of paper) is now no longer possible.

I trust that the above concludes the Complainant's case conclusively.

Yours Sincerely,



Prof. Carmen Sammut

Pro Rector for Student and Staff Affairs and Outreach