

Report on Case No CEDUC-25-6978

The complaint

1. The complainant is a student who was attending a course on Residential and Day Care Work offered by Malta University Enterprises (hereinafter MUE, a subsidiary of Malta University Consulting which is a holding company of the University of Malta (UOM)) in collaboration with the Faculty for Social Wellbeing of the same said University. The complainant joined the course commencing in October 2025.
2. By letter dated 14th November 2025, the complainant was expelled from the course for allegedly making “*serious threats and insults*” towards one of his lecturers. The letter of expulsion was signed by a member of the legal office of the University of Malta, acting for and on behalf of Malta University Enterprises. The complaint was filed with the Office of the Ombudsman on 27th November 2025.
3. Complainant’s grievance is very simple and consists in the fact that before he was summarily expelled, he was never heard or given a chance to explain the words that he uttered in the lecture room. The complaint was formally served upon the CEO of MUE, for the purposes of Art. 18(1) of the Ombudsman Act, on the 9th of December 2025.

The investigation

4. From the evidence it transpires that during a lecture held on the 6th of November 2025 – a lecture on anger – the complainant uttered words to the effect that if he did not get a pass mark in a particular assignment he would do to the lecturer as a serial killer (previously mentioned in the course of the same lecture) had done to one of his victims – kill the lecturer and chop her up. These words were allegedly uttered before the entire class.

5. The lecturer appears to have been so upset with these words that she reported the ‘incident’ to the authorities of MUE and to the Dean of the Faculty abovementioned, and also filed a report with the police. Without waiting to see what the student had to say with regard to this ‘incident’, the Dean had, by the 10th November 2025 decided that the student was not fit to practice day care; and on the 14th November 2025 (see para. 2 *supra*) he was summarily expelled from the course. The letter of expulsion cited part of Article IV of the Student Handbook of Malta University Consulting. The quoted part states: “*Any extreme misconduct, such as threats or violence towards the trainer or other students will result in your immediate removal from the course. No refunds will be given. The reasons for this expulsion will be documented in an official letter.*”

6. As already stated, the decision by MUE was reached without a charge being formally laid against the complainant and without giving him an opportunity to explain or defend himself. Indeed, from the documents at hand it is not even clear who took the expulsion decision, that is whether the CEO of MUE, the Dean of the Faculty for Social Wellbeing, the officer from the Legal Officer of the UOM who signed the expulsion letter of the 14th November 2025, or indeed someone else. What *is* clear is that the complainant was not given a scruple of an opportunity to be heard.

7. The complainant has always maintained that what he said in the classroom was said in jest – *animus iocandi*. As the complainant also confirmed when he released a statement to the police, he had no idea at the time that the lecturer had taken the words in a different context.

8. For the avoidance of doubt, it results from the investigation conducted by the undersigned that the Executive Police have issued charges against the complainant based solely on the lecturer’s report and on the complainant’s own statement released by him on the 23rd of November 2025. The charges are expected to be examined by the Court of Magistrates as a Court of Criminal Judicature on the 23rd February 2025. This notwithstanding, the instant complaint does not fall within the ambit of subarticle (5) of Article 13 of the Ombudsman Act. The subject matter of the instant complaint is not whether a criminal offence (crime or contravention) was committed in the classroom on the 6th November 2025, but whether the administrative decision or action taken by MUE between the said date the 14th of November 2025 to summarily expel the complainant was in breach of the basic rule of law requirements reflected in subarticles (1) and (2) of Article 22 of the Ombudsman Act, and particularly in breach of one of the principles of natural justice.

Conclusion and recommendations

9. For the above reasons and, more specifically because of the failure of MUE to give an opportunity to the complainant to exculpate himself before being expelled from the course, and because of the absence of a clear procedure whereby any alleged “*extreme misconduct*” by a student can be adjudicated upon by an independent person or body before the extreme sanction of expulsion is

applied, the complaint is justified and is being sustained (paragraphs (b) and (d) of subarticle (1) of Article 22 of the Ombudsman Act refer).

10. The undersigned recommends:

- a) that the complainant be immediately reinstated in the course from which he was expelled by letter of the 14th November 2025; and
- b) that Malta University Enterprises establish a proper and independent procedure by which alleged “*extreme misconduct*” by students undertaking their courses can be adjudicated, including the alleged threats made by the complainant to his lecturer on the 6th of November 2025, and this independently of the outcome of the criminal proceedings against the complainant.

Vincent A De Gaetano
Commissioner for Education

6 January 2026