

Federal Decree by Law No. (33) of 2023
Concerning Combating Cheating and Violation of Examination System

We, Mohammed Bin Zayed Al Nahyan, President of the United Arab Emirates;

- Upon reviewing the Constitution;
- Federal Law No. (1) of 1972 Concerning the Jurisdictions of Ministries and Powers of Ministers, as amended;
- Upon the proposal of the Minister of Education and the Approval of the Cabinet;

Have promulgated the following Decree by Law:

Article (1)

Definitions

In application of the provisions herein, the following words and phrases shall have the meanings assigned to each of them, unless the context otherwise requires:

- Ministry** : Ministry of Education.
- Educational Authorities** : Federal and Local Government Authorities concerned with education affairs, each within their jurisdiction.
- Educational Institutions** : Governmental or Private Institutions in which a student is enrolled in any of the stages of general or Higher Education, including schools, universities, colleges, institutes, and continuing education Centres.
- Student** : Anyone who has been enrolled in Educational Institution with the aim of obtaining a certificate or academic degree. This includes anyone who has been subject to Assessment or Placement Examination before one of the Higher Educational Institutions.
- Examination** : A tool developed or administered by the Ministry, Educational Authorities, or Educational Institutions, to assess and procedure the skills and knowledge

acquired by the student and his ability to achieve the targeted learning outcomes at any stage of general or Higher Education, or for confirming the fulfilled Admission Requirements to Higher Educational Institutions.

Examination Centre : The Centre approved by the Ministry or Educational Authorities, according to the standards determined by the Ministry or Educational Authorities, each within their jurisdiction, for conducting Examinations.

Examination Room : The location specified for conducting the Examination, including its external campus, as determined by the Educational Institution.

Examination Committees : Committees formed in the Ministry, Educational Authorities, or Educational Institutions, and specialised in supervising the Examinations determined by the Ministry, Educational Authorities, or Educational Institutions.

Violation of the Examination System : Commit any act that would cause disturbance or confusion to the work of the Examination Committees or the conduct of the Examinations inside or outside the Examination Room, and there is a fear of it or may result in compromising the integrity of the Examination Procedures or results.

Cheating : Obtain or attempt to obtain, give, or leak information related to questions, answers, or Examination content by illegal means, including penetrating electronic Examination Systems, falsifying Examination results, or the student possession and use of any information technology means or other illegal means in Examination Rooms and Centres.

Examination Officers : Examination Committees Officers, Supervisors and Employees of the Examination Centres, those responsible for monitoring and observation in Examination Rooms, those who create Examination questions and their model answers, and those concerned with printing Examinations and monitoring and estimating grades.

Article (2)

Objectives

This Decree by Law shall achieve the following:

1. Consolidate the principles of equality and equal opportunities, and establish transparency and credibility in the Examination System.
2. Strengthen mechanisms and means to combat the Examination System violations and ensure its proper functioning and sound procedures.

Article (3)

Scope of Application

The provisions of this Decree by Law apply to Examinations held by Educational Institutions, and Examinations supervised by the Ministry or Educational Authorities, whether the Examinations are conducted in person or remotely in accordance with the Regulations approved in this regard by the Ministry or the Educational Authority.

Article (4)

Procedures and Mechanisms of Cheating and Violation of Examination System

The Ministry and Educational Authorities shall take the necessary procedures for Combating Cheating and Violation of Examination System, and in particular do the following:

1. Provide Continuous awareness of policies and mechanisms related to Combating Cheating and Violation of Examination System.
2. Provide support, advice and guidance to professionals in the Education Sector.
3. Conduct comparative standard studies to determine the causes leading Cheating and Violation of Examination System.
4. Establish effective mechanisms to monitor cases of Cheating and violations of the Examination System and the necessary procedures to combat them.
5. Inform the Competent Judicial Authorities if it becomes clear that the violations committed involve a criminal offence.

Article (5)

Obligations of the Examination Officers

Examination Officers shall take precautionary procedures in dealing with the Examinations and to ensure their complete confidentiality and the integrity of the procedures for organising, evaluating and documenting them in accordance with the Resolutions issued by the Ministry, Educational Authorities or Educational Institutions, and to comply with the controls related to the confidentiality of information, and in particular they shall comply as follows:

1. Educate students in Examination Rooms and Centres about the importance of complying with all controls, instructions, and general guidelines for Examinations.
2. Organise and control Examinations in Committees, Rooms and Examination Centres, and create all conditions to ensure the smooth conduct of Examinations.
3. Control cases of violation of the controls of the Examinations that are conducted before, during and after submitting the Examinations and applying the procedures referred to in Article (7) of this Decree by Law.
4. Refrain from providing assistance or support in various forms to students in Examination Rooms and Centres, in everything related to dealing with or answering the Examination.
5. Refrain from doing any action that enables or facilitates students violation of the Examination System.
6. Any other obligations determined by the Ministry or Educational Authority.

Article (6)

Penalties

1. Anyone other than a student who commits any of the following acts before, during or after the Examination, whether committed inside or outside the Examination Room and Centres, shall be punished with a fine not exceeding (AED 200,000) two hundred thousand Dirhams:

- A. Print, publish, promote, transmit, or leak information related to questions, answers, or examination content by any means with the intention of Cheating and Violation of Examination System.
 - B. Modify, Intentionally and unlawfully, the student answer or the grade awarded to him.
 - C. Impersonate a student with the intention of taking the Examination in his place.
2. Anyone other than a student who participates or contributes as an original perpetrator or partner in causing, by any means, the commission of any of the acts stipulated in Clause (1) above, with his knowledge, shall be punished with the same penalty stipulated in Clause (1) of this Article.
3. In case of a conviction, the Court shall order the confiscation of the items that were used in the incident of Cheating and Violation of Examination System or that were intended to be used in it or were the subject of it. The Court may order the closure of the commercial store that provided these items, and all of this without prejudice to the rights of bona fide third parties.
4. The Court may order community service for a period not exceeding (6) six months instead of the penalty stipulated in Clause (1) of this Article, or combine with the fine the procedure of community service for a period not exceeding (3) three months.

Article (7)

Disciplinary Procedures

The Ministry, Educational Authorities, and Educational Institutions shall establish Conduct Rules and Regulations that shall be respected and observed in implementation of the provisions of this Decree by Law, which shall include Disciplinary Procedures and resolutions that can be taken in the event of a violation of the Conduct Rules and Regulations, and procedures and dates for appeals against these procedures and resolutions.

Article (8)

Students and Examination Officers Disciplinary Rules

1. If the student commits any act of Cheating and Violation of Examination System, Disciplinary Procedures shall be applied in accordance with the Conduct Rules and Regulations in force at the Ministry, Educational Authorities, and Educational Institutions.
2. Without prejudice to the penalties stipulated in Article (6) of this Decree by Law, Disciplinary Procedures shall be applied to Examination Officers, in the event they violate any of the provisions of this Decree by Law, in accordance with the Conduct Rules and Regulations in force at each of the Ministry, Educational Authorities, and Educational Institutions.

Article (9)

Judicial Enforcement

Employees in the Examination Committees for whom a resolution is issued by the Minister of Justice or the Head of the Local Judicial Authority, in agreement with the Minister or the Head of the Educational Authority, as the case may be, shall have the capacity of judicial enforcement officers in recording all violations, within their jurisdiction, of the provisions of this Law and the resolutions issued in the implementation thereof.

Article (10)

Reporting

Anyone from the Educational or Administrative Staff in the Educational Authority or Educational Institution becomes aware, or becomes aware by any means, of the fact of committing any of the acts violating the provisions of this Decree by Law, to report it to either the Ministry or the Educational Authority, in accordance with the procedures specified by a Resolution of the Minister or the Head of the Local Educational Authority.

Article (11)

Executive Resolutions

The Minister shall, after coordination with the Head of the Local Educational Authority, shall issue the necessary resolutions to implement the provisions of this Law by Decree.

Article (12)

Repeals

1. Any provision that violates or contradicts the provisions of this Law by Decree shall be repealed.
2. The Resolutions and Regulations related to Examinations issued before the provisions of this Decree by Law came into force shall continue to be implemented insofar as they do not conflict with its provisions, until the Resolutions that replace them are issued.

Article (13)

Publication and Entry Into Force of Decree by Law

This Decree by Law shall be published in the Official Gazette, and shall come into effect from the day following the date of its publication.

Mohammed Bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by us at the Presidential Palace – Abu Dhabi:

On: September 25, 2023

Corresponding to: Rabi' al-Awwal 10, 1445 H