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## **15. CARE AND CONCERN**

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## 15.1. Care and Concern Procedure

### 1. Introduction

These guidelines are derived from a similarly titled procedure in place at Middlesex University London. The purpose of the Care and Concern Procedure is to provide all Middlesex University Dubai campus staff with simple and clear guidance on what to do should they be concerned about a student. Care and Concern is a centralised university system which students and staff can use to refer, report and get support for non-academic concerns - issues relating to the conduct (or potential misconduct), health, wellbeing, risk of harm, or safety of a student, which can affect a student's academic engagement.

The procedure does not manage concerns relating to academic engagement e.g. attendance, achievement, falling grades or academic misconduct. Concerns relating to these should be referred to existing policies and procedures.

This procedure seeks to provide some good practice guidance for staff in dealing with incidents and scenarios which may be deemed to be of significant concern.

### 2. Procedure

Care and Concern is a procedure which manages a holistic response to three policies:

- Safeguarding Policy
  - Any concerns where a student is experiencing, or maybe at risk of, significant harm or abuse
- Fitness to Study Policy
  - When a student's health may affect their studies
  - Places unreasonable demands on staff and other students, or
  - Impacts negatively on any aspect of university life
- Student Code of Conduct and Discipline Rules
  - When misconduct has breached the university's Student Conduct & Discipline rules

The Care and Concern procedure has a three stage approach:

- Stage 1 – Notice, act and refer
- Stage 2 – Referral, information gathering and decision
- Stage 3 – Follow University Policy or Procedure

#### Stage 1 – Notice, act and refer

All members of Middlesex University, both staff and students, are encouraged to take action if they notice or become aware of a cause for concern.

Taking action may include an appropriate and proportionate level of enquiry, such as asking “are you okay?” and making a referral by sharing relevant information through the Care and Concern procedure. It is important to note that referrals are encouraged and that the threshold for reporting is low.

A member of staff identifies a concern due to the actions or behaviour of a student; depending upon the nature of the concern (health, wellbeing, conduct, safety or vulnerability) referral should be made as described in stage 2 of the procedure. If situation is deemed to be an emergency, staff should contact: Campus Security or First Aid Officers via the Reception: +971 (0)4 367 8100 or +971 (0)4 375 1212; or external Emergency Services by dialling 998.

### Stage 2 – Referral, information gathering and decision

The first point of contact/referral for all staff members is the Quality Office, details of the main contact person are as follows:

Named Officer	Job Title	Department	Telephone	E-mail
Ms Sarita Karnik	Senior Quality Officer	Quality Office	04 568 7096	<a href="mailto:s.karnik@mdx.ac.ae">s.karnik@mdx.ac.ae</a>

If the concern relates to **learning disability**, the staff member should contact the following for advice:

Named Officer	Job Title	Department	Telephone	E-mail
Ms Siobhan McNiff	Learning Disability Counsellor	Centre for Academic Success	04 374 8982	<a href="mailto:s.mcniff@mdx.ac.ae">s.mcniff@mdx.ac.ae</a>

If the concern relates to **support for under 18 students**, the staff member should contact the following for advice:

Named Officer	Job Title	Department	Telephone	E-mail
Ms Suzannah Fernandes	Senior Student Support Coordinator	Centre for Academic Success	04 361 2755	<a href="mailto:s.fernandes@mdx.ac.ae">s.fernandes@mdx.ac.ae</a>

At this stage information is collected about the concern followed by a decision about what further action is to be taken. The responsibility at this stage lies with the Care and Concern team, and not with the person or people who have noticed the concern and made the referral.

Based on the information gathered, a decision is made by the Care and Concern team to either: follow the relevant University Policy or Procedure; place the student on a 'watch-list' or; to take no further action.

### Stage 3 – Follow University Policy or Procedure

This structured approach to Care and Concern ensures that all stakeholders are clear with respect to the boundaries of the Care and Concern procedure in relation to each policy:

- Fitness to Study
- Safeguarding
- Student Code of Conduct and Discipline Rules

If the concern relates to health, wellbeing issues then the Fitness to Study policy may be followed. If the concern relates to safeguarding, the Safeguarding Policy/Procedure may be followed. If the concern relates to non-academic misconduct, then the Student Code of Conduct and Discipline Rules may be followed.

## 3. Hate Crimes

A hate crime is when someone commits a crime against another person because of that person's disability, gender identity, race, sexual orientation, religion, or any other actual or perceived difference.

It doesn't just mean physical violence. Someone using offensive language towards any person or harassing them because of who they are (or who they think they are), is also a crime. Posting abusive or offensive messages online is also considered an example of a hate crime.

All members of Middlesex University, both staff and students, are encouraged to take action if they notice or become aware of any incidents of hate crime. Students are encouraged to report it even if they are not themselves targeted. Staff or students should report if:

- they are concerned about another student who is experiencing, or is at risk of experiencing significant harm, abuse or exploitation;
- if they may have concerns about another student's mental health and are worried that they might come to harm; or
- they may have witnessed behaviours.

The UAE has promoted and enforced non-discriminatory laws and policies for peaceful co-existence and sustainable society. The Anti-discrimination/Anti-hatred law is intended to provide a solid legislative ground for the environment of tolerance, co-existence and acceptance. It aims to fight discrimination against individuals or groups based on religion, caste, doctrine, race, colour or ethnic origin. For more details, please refer to <https://u.ae/en/about-the-uae/culture/tolerance/anti-discriminationanti-hatred-law>

## 15.2. Fitness to Study Policy

### 1. Purpose and Scope

This policy applies to the Dubai campus of Middlesex University and is derived from a comparable policy that applies to its UK-based provision. The Fitness to Study policy is intended to address concerns that a student's health is disrupting their own studies, the studies of others or is placing unreasonable demands on staff or other students. The term "fitness to study" as used in this policy encompasses all aspects of university life (including within student accommodation / halls of residence) and not just the student's ability to engage with their studies. The University seeks to maintain an environment which is safe and conducive to teaching, learning and research and the well-being of all.

The policy allows for an agreed way for the student to continue their studies with appropriate support or to take a break from their studies without academic consequences until they are fit to return to study.

The University has a responsibility to ensure a safe and comfortable environment for staff and students and so in the rare circumstance in which a student is not in a position to identify their own deterioration in health or well-being, the policy will allow the University to intervene for the wellbeing of the student and the wider University community. The Fitness to Study policy may be used in cases where a health condition has not been diagnosed or when the University has not been notified of the diagnosis.

The policy will only be invoked in instances of a serious or potentially serious nature as it is recognised that the usual support services available to students will be used before any response is made in line with this policy.

Depending on the level of concern, the Care and Concern procedure will invoke the Fitness to Study policy at any of the three levels detailed below.

All actions under the Fitness to Study policy will be guided by the following principles:

- To act in a fair and proportionate manner when dealing with vulnerable individuals;
- To consider relevant professional advice and guidance where appropriate;
- To comply with legal duties and responsibilities;
- To safeguard the needs of staff and students affected by inappropriate behaviours;
- To consider the impact of any breaks in study holistically and provide appropriate, advice, information and guidance to those concerned.

This policy is complementary to, but does not replace the Student Code of Conduct and Discipline Rules, or the Safeguarding policy.

## 2. Support for Students during the process

Students with physical or mental health difficulties will be encouraged to avail themselves of support from the Centre for Academic Success and the Student Counselling Service. Where possible, these services will be accessed before the Case Review meeting is called.

Students may invite a friend, family member to accompany them to the Case Review meeting and / or the Fitness to Study Panel. The University welcomes relevant Healthcare or Social care professionals who wish to accompany students to Fitness to Study meetings. Any other representative (such as a Legal Adviser) would not usually be allowed without express advance permission. Students are required to inform the panel of anyone who will be accompanying them. To avoid a potential conflict of interest, members of staff may not accompany students or act as the student's representative during the Fitness to Study process. Students with disabilities may be accompanied by a Support Worker, if required.

## 3. Confidentiality

When the Fitness to Study Policy is invoked, staff will act with regard for the expectation of an appropriate level of student confidentiality. Any personal information that is disclosed will be handled and stored as sensitive data.

If the student chooses not to provide their consent this decision should be respected in most instances. In this scenario, the implications of nondisclosure in terms of additional support should be made clear. However, there exist rare occasions when the student's consent is withheld, or it is impracticable to try to obtain it, when confidentiality may be broken. These include:

- When the student's mental health has deteriorated to the extent of threatening his/her personal safety;
- When the student is at risk of serious abuse or exploitation; When the student's behaviour is adversely affecting the rights and safety of others;
- Where the member of staff would be liable to civil or criminal procedure if the information were not disclosed (e.g. if a crime had been committed);
- Where the student is either under 18 years or a vulnerable adult (see University Safeguarding Policy).

Staff should first consult with the Centre for Academic Success staff, if they believe there is a need to break the commitment to confidentiality. Initial discussion should not identify the student until the grounds for breaking confidentiality have been established and agreed upon.

## 4. Level 1 – Informal Intervention

The nominee of the Director/Deputy Director is responsible for chairing the meeting at level 1 and ensuring a conclusion is reached at this level.

Any concerns about a student's fitness to study should initially be raised through the Care and Concern procedure. This may result in a referral to Level 1 of the Fitness to Study procedure.

At this level the Deputy Director will be made aware of the concerns and through the Care and Concern procedure will appoint the Campus Programme Coordinator or the Module Coordinator to invite the student in for an informal discussion. However, if the concern arises within the Halls of Residence then the Accommodation Manager should take the lead in consultation with the student's school. The staff members can request advice from the Centre for Academic Success or the Student Counsellor. The meeting should be held as soon as possible once the concerns have been raised.

This discussion will be supportive in nature and will communicate to the student the precise nature of the behaviour that has caused concern to have been raised.

During the discussion the student will be given an opportunity to share any mitigating circumstances or previously undisclosed medical history and they will be provided with information on the support available within the institution and how it can be accessed. Where it is appropriate an action plan and a review period should be agreed.

A letter recording the meeting, issues and agreed actions will be sent to the student within seven days of the meeting.

At the end of the agreed review period, the case should be reviewed by the Deputy Director. If the concerns for the student's fitness to study have significantly reduced or been eliminated, then a decision of 'no further action' can be agreed. If, however the concerns remain, then the case should be referred to Level 2 of the Fitness to Study policy.

## **5. Level 2 – Case Review Meeting**

The Deputy Director (or nominee) is responsible for chairing the Support to Study Meeting (at level 2) and ensuring a conclusion is reached at this level.

Level 2 is a second level intervention to be used when:

- Level 1 has not been successful;
- the student has not kept to the action plan agreed;
- the student's conduct or circumstances indicates that further intervention is required;
- a student wishes to return to study after a period of interruption on health grounds.

Behaviours triggering a Support to Study meeting may include:

- complaints from other students regarding behaviour continue to be made;
- a significant concern for academic achievement is held;
- instances where by the student refusing to access support and/or exhibits behaviour that gives increasing cause for concern e.g. repeated missed appointments, disengaging with study, social withdrawal.

A Level 2 intervention normally comprises a formal Support to Study meeting with the student initiated by the Campus Programme Coordinator or authorised nominee. The Campus Programme Coordinator or authorised nominee should inform the Deputy Director of the requirement to instigate Level 2 of the Fitness to Study policy. The student shall be given reasonable written notice of the meeting. The letter or email shall inform the student:

- of the meeting under the Fitness to Study Policy and the nature of the meeting is supportive;
- of the purpose of the meeting and request any necessary detailed information and documentation including, if appropriate, medical evidence;
- that they can be accompanied by a friend/ supporter/ representative.

The meeting shall normally include the Campus Programme Coordinator, Head of the Centre for Academic Success, the Student Office Manager and the Human Resources Manager. Other members of staff may be invited but attendance should be limited to those that can contribute to a possible solution or be there for the purpose of taking notes.

The meeting shall normally proceed if the student does not attend or engage in the process and the meeting may normally consider the case even if the student has not provided requested evidence.

The purpose of the meeting will be to ensure that: the student is made fully aware of the nature of the concerns which have been raised, the student's views are heard and taken account of; the best way to proceed is agreed upon and the student is fully aware of the possible outcomes if difficulties remain.

The conclusions drawn from the content and nature of the discussion shall determine possible outcomes. The outcome shall, if serious concerns remain, normally lead to an action plan to address and remove the serious concerns including the provision of any appropriate support articulated at the meeting. The meeting may, without prejudice to other conclusions, decide on one or more of the following:

- That no further action is necessary;
- That it is necessary to agree an Action Plan with the student;
- That, subject to the student's consent, it is necessary and appropriate for the School to consider an adjustment to hours of study;
- That, subject to the student's consent, it is necessary and appropriate to agree an interruption from the programme;
- That it is necessary to make a referral to Level 3 of the procedure;
- That it is necessary to make a referral to other University procedures, as appropriate, for example the Student Code of Conduct and Discipline Rules;
- Where the student is on placement, to propose to the student suspending the placement or (if available) switching to a programme without a placement;
- Any other actions intended to support the student to successful completion of their studies.



If the student does not agree to the discussed supportive proposed outcome, the member of staff should advise the student that Level 3 action will normally be taken.

The Chair of the meeting shall ensure that there is a written record of the meeting and any determined actions. If an action plan is agreed, it shall normally include the specification of desirable behaviour and appropriate expectations, support mechanisms together with a date for a review meeting. If appropriate, it may also detail the consequences of no engagement by the student. The action plan may also include a request for the student to provide medical evidence as to fitness to study.

The record and action plan shall normally be sent to the student within 7 calendar days of the meeting. The student shall be asked to agree to the action plan by signing and returning one copy or confirming their agreement by University email. A copy of the documentation shall be held securely.

Review meetings shall be convened as agreed. Attendees at review meetings may be different to those at the original Level 2 meeting. At a review meeting, the student shall have the opportunity to be accompanied by a friend or supporter. A written record of the meeting shall be made and this, together with the outcome shall be given to the student normally within 7 calendar days of the review meeting. For monitoring purposes, the Chair or nominee may request regular updates on the student's progress against any action plan.

If the concerns about a student's fitness to study have been substantially reduced, and/or eliminated, no further action shall be taken. If the student does not abide by the provisions of the action plan, the Chair may convene a review meeting before the planned date or escalate, as appropriate. If there is insufficient improvement following the Level 2 initial or review meetings, finally the case is too serious to be addressed at Level 2, Level 3 of the procedure will normally be invoked.

## **6. Level 3 - Fitness to Study Panel**

The Director or nominee is responsible for chairing the Fitness to Study Panel (at level 3) and ensuring a conclusion is reached at this level.

This stage of the procedure will only be implemented once Level 1 (Informal Intervention) and Level 2 (Case Review Meeting) have been followed or if concerns are deemed to be sufficiently serious to warrant starting the procedure at Level 3. If a student has been suspended under another university procedure, then the Fitness to Study process will start at Level 3.

The initiation of Level 3 will be the decision of the Campus Programme Coordinator, in consultation with the Deputy Director. The Deputy Director may also discuss the case with relevant professional staff including the Student Counsellor.

Once it has been agreed to go to Level 3, the Director will call the Fitness to Study Panel to

determine more definitive action.

Those present at the Fitness to Study Panel will include:

- The Director;
- The Deputy Director;
- The Campus Programme Coordinator of the relevant programme;
- The student, who may be accompanied by a friend or family member, a relevant health or social care professional. (Students should inform the panel of who is accompanying them prior to the panel meeting).

The primary purpose of the Fitness to Study Panel is to determine whether or not a student is required to interrupt their studies for a period of time. Their return may be at the start of a subsequent academic year or, following a fixed-term period of suspension, within the same academic year.

The Centre for Academic Success team will provide appropriate information, advice and support to the student in either event. Where a student interrupts a course of study, arrangements will be made for the student to have a named member of university staff to keep in contact with, and with whom the student's case and circumstances can be reviewed regarding return to study (see below).

Another outcome to the Fitness to Study Panel could be to offer the student a compulsory part-time route to completing their programme.

If the Fitness to Study Panel suspends or interrupts a student's studies they will be informed in writing. A student has the right to appeal against the decision of the Fitness to Study Panel. Students who withdraw or who are suspended will be given the opportunity to talk to named staff within the Student Office to discuss financial, support and study implications, and other issues that may arise. The student will also be informed of the 'Return to Study' procedure and process and an agreement made about how we will keep in contact with the student during any absence.

## **7. Return to Study**

It is envisaged that, after whatever time is required and is allowable within the University's Regulations regarding completion of programme, a student covered by this policy will feel ready to return and engage with their studies. After a period of interruption or suspension on health grounds, the decision as to whether or not to permit the student to return to study will be made by the relevant academic faculty, having taken advice from the Centre for Academic Success.

Each case will depend upon the specific circumstances and the context out of which concern arose but in all cases, return to study will be dependent upon:

- satisfactory medical evidence of fitness to study;

- an assessment of need to determine what support is deemed necessary or of benefit and whether this can be reasonably provided.

Evidence submitted should be from a recognised health professional that has sufficient knowledge of the nature and extent of the student's medical situation and the concerns that led to the student's withdrawal or suspension, and who is able to make an informed statement of the student's fitness to study at university level and in a university community.

Upon taking the decision to permit a student to return to study, the Student Office is responsible for informing the Fitness to Study Panel. This is to allow the Student Office to engage the student in ensuring that the relevant financial and support arrangements are put in place for the student's return.

In the event that it is not immediately clear to the academic school that return to study is appropriate for the student, the decision should be re-referred to a Stage 3 Fitness to Study Panel.

## 8. Appeal's Procedure

### Right of appeal

A student aggrieved by a decision to recommend to suspend shall have the right of appeal to the Director or nominee within 10 working days, giving the grounds for the appeal. The Director or nominee shall consider the appeal and shall decide whether to uphold or amend the decision made.

The decision of the Director or nominee shall be final.

### Medical Evidence

Before the Support to Study meeting a student may be asked to provide evidence of a recent medical assessment so that the University can accurately assess the fitness to study.

This medical evidence should state:

- The nature and extent of any medical condition from which the student may be suffering;
- Their prognosis;
- The extent to which it may affect his/her fitness to study and manage the demands of student life;
- Any impact it may have or risk it may pose to others;
- Whether any additional steps should be taken by our University, in light of the medical condition, to enable the student to study effectively;
- Whether the student will be receiving any on-going medical treatment or support.

Any cost incurred in obtaining this medical evidence will be borne by the student. Exceptionally the University may request that the student attend an independent medical assessment which will be arranged by and funded by the University. If the student declines to provide medical evidence the University will come to a decision based on the available information or

alternatively may address the issue under an alternative policy, for example, the Student Code of Conduct and Discipline Rules.

Should the medical evidence state that the student is fit to study it will be the decision of the Support to Study Panel or the Fitness to Study Panel how much weight is given to the medical report and to conclude based on all available evidence whether the student is fit to study.

## **9. University-sponsored Student Visas**

Any interruption of studies for students with a Middlesex University sponsored Student Visa needs to take consideration of the impact the interruption will have on their right to remain in the UAE. The University is obliged to report any significant changes in students' circumstances relating to study periods for Student Visa holders to the UAE's Immigration Authorities including periods of temporary suspension. Depending on the reason and length of the suspension, permission to stay in the UAE will no longer be valid if a student is not actively studying and students may be advised to leave the UAE. When ready to resume studies, students will have to make a new application for a Student Visa. The student should be strongly advised to contact the Student Visa Office. If a decision is made to interrupt a student holding a Student Visa, then this should be reported to the Manager of Student Visa Office.

## 15.3. Safeguarding Policy

### 1. Introduction

- 1.1. Middlesex University Dubai (referred to as “University”) is committed to providing a safe and secure environment for all students, employees, and individual visitors who access its facilities and services.
- 1.2. This policy is intended to give a framework for employees in the unlikely event that a safeguarding issue arises and to provide a framework to help the University prevent such occurrences, and respond appropriately.
- 1.3. This policy recognizes that students under 18 years’ study at the University (these will be referred to as “under-18s” in this document). It also recognizes the multiple contexts in which under-18s, young people and adults at risk engage in University activity.
- 1.4. The University acknowledges its particular responsibility to safeguard the wellbeing of under-18s and adults at risk engaged in the range of the University’s activities. This is achieved by ensuring that there are appropriate arrangements in place to enable the University to discharge its duty to provide a safe and secure environment, to prevent abuse, and to respond appropriately to suspected or reported abuse of under-18s or adults at risk.

### 2. Scope

- 2.1. The University:
  - believes that people, whatever their age, gender, disability, ethnic origin and religious belief, have the right to protection from abuse, and a right to be safe in the activities that they choose,
  - acknowledges its particular responsibility to safeguard the wellbeing of under-18s and adults at risk,
  - is committed to providing a safe and secure environment for all University members who access its facilities and services,
  - recognizes its duty to help University members, through guidance, support and training, to understand their responsibilities to minimize the risk of harm and exploitation of under-18s and adults at risk, and where possible, to act to prevent situations where abuse or neglect might arise or be alleged.
  - accepts its responsibility to safeguard under-18s and adults at risk who participate in University life - including registered and enrolled students as well as those who come onto University premises for organized activity.

- 2.2 This protection covers disclosure of, or concerns of, significant harm, abuse and/or exploitation. Incidents of significant harm, abuse and/or exploitation may be categorized as follows (this is not an exhaustive list):
- Abuse and harassment (including e-safety)
  - Abuse/violence (such as physical, emotional, sexual and/or psychological)
  - Bullying, harassment, hate crime and hate incidents (including online)
  - Mental health conditions and vulnerabilities
  - Self-harm, self-neglect and self-abusive behaviours, such as alcohol and drug abuse or eating disorders
- 2.2. For the purposes of this policy, the term “university member” is used to describe anyone at the University (or approved to work with the University, by the University) who is engaged in working under-18), or adults at risk, whether as an employee, interns, volunteer, contractor, visitor or student. It also includes staff working for services that are outsourced by the University, such as cleaning and security services, whereby the University will require adherence to the relevant laws of the United Arab Emirates (UAE) and will ensure that records of valid passports and UAE residency visas are maintained.
- 2.3. The definition of a “child” in child protection guidance is anyone who has not yet reached their 18th birthday. In this document, such individuals are referred to as “under-18s”.
- 2.4. The definition of an adult at risk is any person aged 18 years and above who needs community care services because of mental health issues, learning or physical disability, sensory impairment, or any other disability, age or illness and who is, or may be, unable to take care of themselves against significant harm or exploitation.
- 2.5. Safeguarding is described as putting in place “arrangements to take all reasonable measures to ensure that risks of harm to under-18s, young people or adults at risk engaged in University activity are minimized”.
- 2.6. Research projects or programmes involving under-18s and adults at risk require Ethics Committee approval to ensure compliance with statutory requirements and best practice guidelines.

### **3. Approach to Reducing Risk**

- 3.1. Middlesex University Dubai aims to maintain the highest possible standards to meet its social, moral and legal responsibilities to protect and safeguard the welfare of students under 18 and adults at risk with whom the University’s work brings it into contact. The University puts this into practice through the following actions.
- 3.2. The appointment of a Lead Safeguarding Officer (Deputy Director or Nominee) who will be responsible for:

- Leading on the implementation and promotion of this policy;
  - Ensuring that the policy is monitored and reviewed in accordance with changes in legislation and guidance on the protection of under-18s and adults at risk;
  - Acting as the main contact within the University for the protection of under-18s and adults at risk, including where deemed appropriate, for communicating with parents and legal guardians;
  - Ensuring that appropriate University Members are provided with information, advice and training on the protection of under-18s and adults at risk;
  - Establishing and maintaining contacts with the relevant local authorities and Police;
  - Maintaining confidential records of all safeguarding cases and action taken;
  - Ensuring data is used intelligently to prevent future incidents.
- 3.3. The appointment of Deputy Safeguarding Officers (DSOs) who may be nominated to deputize for the Lead Safeguarding Officer; as appropriate.
- 3.4. The University, through the HR Department, will train and supervise appropriate University Members to adopt best practice to safeguard and protect students under-18 and adults at risk from abuse and to minimize risk to themselves. This includes providing adequate information on this policy as part of the induction process for any new University Members.
- 3.5. The HR Department will have a duty to ensure adequate training and information is provided.
- 3.6. The Disciplinary Committee will consider safeguarding concerns in cases that involve under-18s.
- 3.7. Where appropriate, breaches of this policy and/or allegations of misconduct concerning under-18s and/or adults at risk and/or abuse of under-18s and/or adults at risk will result in the University invoking its Disciplinary Procedure in respect of staff or students.

#### **4. Safeguarding Procedure**

- 4.1. This policy should be read in conjunction with Middlesex University Dubai's Care and Concern Procedure, and the Middlesex University's Safeguarding Manual.

## 15.4. Student Conduct and Discipline Rules

### 1. Introduction

This statement has been adapted from Middlesex University's 'Student Conduct and Discipline Rules' for the Dubai campus. The latest version of Middlesex UK's policy is available at: <http://www.mdx.ac.uk/about-us/policies/university-regulations>.

It is important to note that Middlesex University Dubai operates within the context of Dubai Knowledge Park/ Dubai International Academic City (a managed government education free zone). Dubai Knowledge Park (DKP)/ Dubai International Academic City (DIAC) provide all infrastructural and facilities support and management and is directly in charge of all 'Shared Facilities' including but not limited to the food court(s), the DKP/DIAC campus grounds, the DKP/DIAC recreation areas, internal roads, infrastructure, and all other common assets.

Students, especially those who are coming to Dubai for the first time, may find that the laws and customs of the United Arab Emirates are very different from those in their home countries. We advise all residents to be aware of them and ensure they are respected. In the UAE, there may be severe penalties for doing something that might not be illegal elsewhere. You are strongly advised to familiarise yourself with and respect local laws and customs. The UK Government's website offers some helpful advice on its website at [www.gov.uk/foreign-travel-advice/united-arab-emirates/local-laws-and-customs](http://www.gov.uk/foreign-travel-advice/united-arab-emirates/local-laws-and-customs) regarding local laws and customs along with a more detailed 'Living in the United Arab Emirates' guidance available at [www.gov.uk/guidance/living-in-the-united-arab-emirates](http://www.gov.uk/guidance/living-in-the-united-arab-emirates). Please refer the information on our website at <https://www.mdx.ac.ae/prospective-students/international-students/local-laws-customs> for additional information.

DKP has its own 'Shared Facility Policy Statement on Student Discipline' which all students enrolled at Middlesex University Dubai are obliged to comply with. The latest version of the policy is available online at [www.diacedu.ae/wp-content/uploads/2015/09/A1-Code-of-conduct.ai-DIAC.pdf](http://www.diacedu.ae/wp-content/uploads/2015/09/A1-Code-of-conduct.ai-DIAC.pdf).

#### **Statement of Student Conduct**

As a Middlesex student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the university, your fellow students and its staff and complies with the laws and regulations of the UAE, the Government of Dubai and the DKP/DIAC. You are an ambassador for the university, and you are expected to behave in a way that respects the reputation of the university and all of its students and graduates, and that is sensitive to our culturally diverse environment. You are encouraged, with the support of the university, to engage actively in the learning process, to be fully committed to your studies and determined to succeed,



as well as to engage with cultural, athletic and community extra-curricular and co-curricular activities.

## 2. Rationale for Student Conduct and Discipline Rules

- 2.1. The present Rules have been adopted to provide fair and orderly procedures for maintaining appropriate student conduct and behaviour whilst enrolled at the University. The rules and regulations of the University, which require students to conduct themselves respectfully and enable the University to discipline students in the event of misconduct, form part of the terms of the contract between the students and the university to which the students become a party upon their enrolment to the University.
- 2.2. These rules should also be read in conjunction with the Student Charter (<https://unihub.mdx.ac.uk/student-life/student-charter>) which sets out what a student can expect from the University; what the University expects from each student.
- 2.3. The Rules will be used to protect the right of all students to participate in activities, debates and discussions either directly related to their own study programmes or to matters of wider community and public interest. Equally, all students are expected to respect the rights of others to study, to work and to participate freely in the life of the university and to respect the laws and cultural values and traditions of the United Arab Emirates (see <https://www.mdx.ac.ae/prospective-students/international-students/local-laws-customs>). This is consistent with the mission statement of the University, and with the customs of higher education institutions.
- 2.4. It is the responsibility of each student to be aware of the policies and expectations that the University has for individual action.
- 2.5. The University recognises that visitors can make an important contribution to the life and work of the University and that visitors themselves can benefit from contact with our students and staff members. At the same time, we acknowledge that our first duty is to the safety of our students and staff members. Hence, students and staff members will ensure that visitors:
  - serve a clear educational purpose
  - are aware of relevant University policies and procedures
  - report to the main reception (Block 16, Ground Floor, Middlesex University Dubai) and complete visitor registration process (unless accompanied throughout the duration of their visit by a fulltime staff member of Middlesex University Dubai)
  - are aware of emergency procedures and contact information

Any visitor not recognised by staff members and/or Security Officers can be asked to identify themselves, questioned about the purpose of their visit and if necessary, be asked to leave.

Students and members of the University community who violate these requirements can face disciplinary and other penalties for the actions of their guests.

- 2.6. The University is committed to treating all students fairly, with impartiality and without bias, as well as not to make presumptions prior to collating evidence. The University has regard to the various duties and obligations that it has to all students, in particular applying the principles of fairness, such as the right to a fair hearing before an impartial decision-maker. A matter will only warrant disciplinary action where there is sufficient and appropriate evidence of misconduct.
- 2.7. It is the intention of these Rules to encourage the development of mutual respect between all members of the university community. To this end, it is important that students exercise their rights responsibly and with respect for others, and so contribute to the orderly running of the institution as a whole. This is the context in which these rules and procedures should be read and used.
- 2.8. The Rules are set out in clear stages so as to be a guide to students and to staff. Except in the case of serious offences, the penalties are intended to operate as a series of warnings, with the authority to suspend or expel a student from the University being reserved to the Director (or nominee).
- 2.9. Students found to be present while any violation(s) are occurring may be considered participants and/or complicit in the violation(s) and may also be subject to disciplinary action. Similarly, possessing information or knowledge by a student of an occurrence or potential occurrence of a violation and deliberately not reporting this to the relevant University staff members can be considered as complicity in the violation and can lead to disciplinary action.
- 2.10. The Student Conduct and Discipline rules operate within the Care and Concern procedure which is the mechanism for addressing non-academic concerns regarding a student (see Middlesex University Dubai's Campus Guide publication <https://www.mdx.ac.ae/life-at-university/current-students/campus-guide>).
- 2.11. Shared Responsibility for Safety: Our security depends of members of the University community working together to promote a safety-conscious community. Only designated entry/exit points and entrances should be used to access the University. Security Officers, including those of Dubai Knowledge Park (DKP) authority, can ask to verify the identity of any students and their guests (where permitted) at the entrances and conduct a search of items carried into or out of the University facilities. Members of the University community are expected to be vigilant about security and report any incidents to our Security Officers and/or other University staff member.
- 2.12. *Access Control*: Students must carry their Middlesex University Student ID Card with them at all times while on University premises and if asked to identify themselves, present the Card to University staff members. Failure to do so is a violation of this Code and can lead

to imposition of penalties. Certain areas of the University (for examples, some labs, studios, Hub 19) require scanning of the Student ID Card and/or biometric verification to gain access. Students will need to register on this system at the time of enrolment. Sharing access with anyone (including other students) without express permission from University staff is considered a violation of this Code. Tampering with any of the security equipment, CCTV cameras, access equipment (including key cards), and fingerprint readers is a serious violation.

- 2.13. *CCTV Cameras and Security.*** The University will solely make decisions to determine the location of such surveillance equipment. Surveillance recordings will not be shown to anyone other than Security Officers and authorised University personnel unless as approved by the Director's Office and/or deemed necessary for statutory, legal and safety purposes.
- 2.14.** Students shall update on UniHub their term time and permanent addresses within seven days of any change to those addresses. They should also inform the Student Office should they depart the University before the scheduled end of their programmes.

### **3. Scope of the Student Conduct and Discipline Rules**

- 3.1.** Action taken under these Rules shall supersede any action taken under any other rules relating to the conduct of those enrolled with the University.
- 3.2.** Students accept, subject to their signed agreement as part of the enrolment process each year, that they will comply with:
- the code of conduct, the rules for discipline, or such other lawful regulations or directions, as may at any time be made or given by or on behalf of the Director (or nominee) with reference to the conduct or management of the University, being regulations or directions, either notified to the student individually or displayed within the University wherever general notices to students are usually displayed.
- 3.3.** Students shall observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of the University acting by authority of the Director. Breach of the provisions of the Policies, Codes, Rules and Regulations of the University or failure to comply with a previously imposed warning under this Code or any other Policies, Codes, Rules and Regulations of the University will result in disciplinary action.
- 3.4.** Students shall observe all lawful regulations or directions in relation to the effective organisation and management of the University, which may be made or given by staff of or contractors to the University acting by authority of the Director (for example, regulations or directions in relation to safety, car parking, the occupancy of residential accommodation, the use of the Library, the use of facilities for computing, sport, refreshments, entertainment

events, participation in fieldwork and study trips and the payment of fees and charges). This includes the Codes of Conduct that are expected to be observed in specific scenarios and facilities which are highlighted in the Appendices. In Dubai, students shall abide by the rules, regulations or procedures which may be made by competent authorities such as DKP/DIAC who provide all infrastructural and facilities support and management and are directly in charge of all 'Shared Facilities' including but not limited to the food court(s), the DKP/DIAC campus grounds, the DKP/DIAC recreation areas, internal roads, infrastructure, and all other common assets.

- 3.5.** A breach of these Rules shall constitute misconduct if it takes place on University property or premises or elsewhere if the student concerned was involved in a University activity, was representing the University or was present at that place by virtue of their status as a student of the University, including any work placement.
- 3.6.** It shall also constitute misconduct in any location whatsoever if the actions bring the good name of the University into disrepute.
- 3.7.** The Student Conduct and Discipline Rules extend to alleged misconduct by a student occurring on or off university premises (including via social media and online learning environments) where the alleged victim is the University itself, a student or employee of the University or others visiting, working or studying at the University and to alleged misconduct occurring during university activities (including placements and field trips).
- 3.8.** The University is committed to putting in place measures to ensure students are dealt with fairly and impartially. Part of this commitment includes the ability to bring representation to meetings under this policy, and our commitment to enable students to continue with their studies wherever possible.
- 3.9.** This policy/procedure is related to Middlesex University provision at our London and overseas campuses. The principles will apply in all cases but where appropriate local structures and requirements will be agreed as exceptions to operational practice.
- 3.10.** Notification to Parents and/or Guardians: The University may notify parents or guardians of students' in the following cases:
  - a. Violations relating alcohol, drugs and banned substances which could lead to criminal investigations by appropriate law enforcement authorities
  - b. Serious violations judged by the University to be egregious to indicate that the student's safety or health may be at risk, or that the student may have placed others at risk.
  - c. Violations of the Code that result in the student's removal from the Halls of Residences or suspension or expulsion from the University.
  - d. Repeated violations of the Code which may cause accumulation of point that could lead to expulsion.

- e. Violations of the Code that result in knowledge of medical conditions that could result in the threat of violence directed against self, others or University property

### 3.11. Definitions:

- a. 'Suspension' refers to a forbidding attendance at/or access to the University (including the Residences) and on any participation in University activities but it may be subject to qualification, such as permission to attend for the purpose of assessment.
- b. 'Exclusion' involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union, the exact details to be specified in writing.
- c. 'Expulsion' involves the permanent withdrawal of the student from all activities concerned with the University.
- d. 'Risk Assessment' an assessment carried out in accordance with section 3.11 below, to evaluate what if any risks there might be in allowing a former student to be readmitted to the University for any course offered by the University.

### 3.12. Readmission Risk Assessment

- a. The Director (or nominee) will identify appropriate panel of staff to carry out the Risk Assessment.
- b. The panel's evaluation will take into account all information that it considers is relevant to the Risk Assessment, including how serious the previous misconduct was. The panel may request meeting with the former student, and/or other relevant individuals. The panel may decide the following outcomes when it has completed the Risk Assessment:
  - Conclude that there is no risk to the applicant being readmitted;
  - Reject the student's application for admission based on the assessed risk(s) to admission, and the conclusion that the risks cannot be adequately managed if the student was readmitted. Such a decision is final;
  - Conclude that there are risks, but that the student may be readmitted taking into account actions that the University can take to manage the risk.

## 4. Types of Student Misconduct and Consequences / Applicable penalties

4.1. The table below sets out the types of behaviours which the University defines as non-academic misconduct. These are separated into misconduct against the University, misconduct against property, misconduct against a person, and misconduct against the community. The behaviours listed in the table are not exhaustive. The Appendices provide additional expectations of student behaviour in specific scenarios and facilities.

4.2. Section F of the University's Regulations refers to Academic Integrity and Misconduct.

4.3. The University uses a system of warning points ranging from 0 - 4 to quantify and indicate the level of gravity of penalty applicable to each type of misconduct. The final column in the

below table gives an indication of the range of warning points that each type of behaviour is likely to involve. The number of warning points indicated next to the type of misconduct is for guidance purposes only as an indication of the gravity of the misconduct. Section 10 provides further information on the warning system.

4.4. Table of types of misconduct and consequences:

Misconduct against the University		
Type of Misconduct	Example of Misconduct	Level of Warning
Obstruction of the working of the University	<ul style="list-style-type: none"> <li>Acts/ omissions/ statements intended to deceive the University (e.g. withholding information required for statutory purposes)</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University (causing disturbance in class or common areas)</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>Failure to comply with a reasonable request or direction (usually from academic or administrative staff members, security personnel, etc.); including failure to attend scheduled investigative meetings or hearings</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>Disruption of the workings of the University:                             <ul style="list-style-type: none"> <li>Administrative (e.g. refusal to present a student ID card when requested by an employee of the University)</li> </ul> </li> </ul>	0-4
	<ul style="list-style-type: none"> <li>Academic (e.g. disruption of teaching or learning environment through the usage of a mobile phone)</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>Sporting and Social (e.g. disruption at an MDX sports, cultural or club event)</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>The Residences (e.g. violations of curfew rules or visitor’s policy)</li> </ul>	0-4
Reputational Damage	<ul style="list-style-type: none"> <li>Behaviour which could have damaged the reputation of the University or could have brought the University into disrepute</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>Behaviour which has damaged the reputation of the University or brought the University into disrepute</li> </ul>	2-4

Deceitful Behaviour	<ul style="list-style-type: none"> <li>Fraud/ attempted fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University***</li> </ul>	0- 4
	<ul style="list-style-type: none"> <li>Knowingly making a false and vexatious allegation against the University or against any student or staff member</li> </ul>	2
	<ul style="list-style-type: none"> <li>Falsification, distortion or misinterpretation of information as part of the investigations or hearings relating to this Code</li> </ul>	2
	<ul style="list-style-type: none"> <li>Use or issue of fraudulent documentation relating to qualifications and academic performance</li> </ul>	3
	<ul style="list-style-type: none"> <li>Use of issue of fraudulent documentation NOT relating to qualifications or academic performance</li> </ul>	4
	<ul style="list-style-type: none"> <li>Blackmail, attempted blackmail</li> </ul>	4

\*\*\*can involve criminal investigation

Misconduct against Property		
Type of Misconduct	Example of Misconduct	Level of Warning
Damage to Property	<ul style="list-style-type: none"> <li>misuse/ inappropriate use of property</li> </ul>	0-1
	<ul style="list-style-type: none"> <li>negligence</li> </ul>	1-2
	<ul style="list-style-type: none"> <li>reckless behaviour</li> </ul>	2-3
	<ul style="list-style-type: none"> <li>intentional behaviour</li> </ul>	3-4
Unauthorised or Inappropriate use of Property	<ul style="list-style-type: none"> <li>Misuse of university premises or property, for example using a computer lab for a social gathering</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>Unauthorised use of/entry onto university premises or property, including computers and laboratory equipment or facilitating the entry/use by the other authorised person(s)***</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>Unauthorised recording of a learning activity (see University Regulations C16 Undergraduate and C15 Postgraduate)</li> </ul>	1-3
	<ul style="list-style-type: none"> <li>Unauthorised publication of a recorded activity (e.g. on YouTube, Facebook etc.) including malicious or defamatory comment***</li> </ul>	3

	<ul style="list-style-type: none"> <li>False activation of a fire alarm</li> <li>Deliberate misuse of the university computer network e.g. hacking or accessing / attempting to access 'prohibited content' as defined by applicable UAE law, regulation, procedure, order or requirement</li> <li>Unauthorised bringing, using, storing and riding unauthorised vehicles within the University premises (including electric scooters, hoverboards, Segways, bicycles, etc.)</li> <li>Unauthorised bringing, storing, using, or transport of dangerous and prohibited items or hazardous materials that are illegal or create substantial risk or harm to people or property (e.g. weapons, fireworks, flammable materials, candles, oil burners, joss sticks, flammable liquids and gases, gasoline, large quantities of lighter fluid, charcoal, firearms, swords, metal-tipped darts, knives and toy guns such as BB guns or air soft guns, etc.)***</li> <li>Unauthorised use of intellectual property</li> <li>Bringing in or keeping pets of any kind</li> </ul>	<p>3</p> <p>3-4</p> <p>1-4</p> <p>1-4</p> <p>2-4</p> <p>1-2</p>
Taking of Property***	<ul style="list-style-type: none"> <li>Taking property belonging to another person without permission</li> <li>Stealing personal property excluding cash</li> <li>Stealing cash and goods</li> <li>Repeated act of stealing</li> <li>Unauthorized removal of university property and supplies (e.g. furniture from lounges or public areas)</li> </ul>	<p>1-2</p> <p>2</p> <p>3</p> <p>4</p> <p>2</p>
Causing a Health or Safety concern	<ul style="list-style-type: none"> <li>Act/ omission that caused or could have caused a health and safety concern on University premises including accommodation facilities (e.g. smoking cigarettes in non-designated areas or violating hygiene guidelines in the Residences)</li> <li>Act/ omission that caused or could have caused serious harm, injury or impairment of safety on University premises or during University activities (e.g. disabling fire extinguishers or covering up a smoke detector)</li> <li>Possession of an object which may cause harm, alarm or/and distress, including offensive weapons e.g. knife, pepper spray, gun; all replicas, and; any object adapted for such purpose, such as the use of acid in a water-pistol or a snooker ball. Note, possession is irrespective of intent to cause harm.</li> </ul>	<p>1-4</p> <p>2-4</p> <p>2-4</p>



Illegal substances***	<ul style="list-style-type: none"> <li>Consumption of and/or possession of illegal substances on University premises or within a Halls of Residence</li> <li>Dealing illegal substances on University premises or within a Halls of Residence</li> </ul>	<p>0-2</p> <p>4</p>
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Misconduct against People		
Type of Misconduct	Example of Misconduct	Level of Warning
Physical Misconduct***	<ul style="list-style-type: none"> <li>Any form of physically aggressive behaviour or assault (e.g. pushing, shoving, punching, kicking, slapping, pulling hair, biting)</li> <li>The above behaviours are punishable even when committed in self-defence, though this may be taken into account as a mitigating factor when considering penalties/punishment.</li> </ul>	<p>0-4</p>
	<ul style="list-style-type: none"> <li>Repeated acts of physical misconduct</li> </ul>	<p>4</p>
Abusive Behaviour***	<ul style="list-style-type: none"> <li>Bullying, stalking, hazing</li> </ul>	<p>0-4</p>
	<ul style="list-style-type: none"> <li>Use of inappropriate language or actions (violent, aggressive, abusive, vulgar, threatening, defamatory or offensive)</li> </ul>	<p>0-4</p>
	<ul style="list-style-type: none"> <li>Sending inappropriate, messages by email, text or on social media</li> </ul>	<p>0-4</p>
	<ul style="list-style-type: none"> <li>Acts of stalking, including following a person, watching or spying on them or forcing contact through any means, such as social media</li> </ul>	<p>1-3</p>
	<ul style="list-style-type: none"> <li>Repeatedly contacting another person (by phone, email, text or on social networking sites against the wishes of the other person)</li> </ul>	<p>2-4</p>
	<ul style="list-style-type: none"> <li>Any form of harassment* in person, including acting in an intimidating and hostile manner</li> </ul>	<p>2-4</p>
	<ul style="list-style-type: none"> <li>Any form of repeated harassment in writing, by email, via the internet (including social media) or otherwise</li> </ul>	<p>4</p>
	<ul style="list-style-type: none"> <li>Threats to hurt another person</li> </ul>	<p>2-4</p>
	<ul style="list-style-type: none"> <li>Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age</li> </ul>	<p>2-4</p>
	<ul style="list-style-type: none"> <li>Intimidation: verbal or physical</li> </ul>	<p>3</p>

Sexual Misconduct***	• Making unwanted remarks of a sexual nature	0-4
	• Inappropriately showing naked or semi-naked images to another person, for example, via social media	1-4
	• Intimate contact without consent i.e. kissing, touching	1-4
	• Indecent public exposure (flashing)	2-4
	• Sharing sexualised materials of another person (whether fully naked or not) without consent	3-4
	• Sexual harassment, stalking or persecution (virtual or real) of someone with unwanted and obsessive attention	2-4
	• Bullying behaviour (physical or non-physical) based on a person's sexuality or gender.	2-4
	• Attempted sexual assault or rape	4
	• Sexual assault	4
• Sexual intercourse or engaging in a sexual act without consent	4	

\* harassment - unwanted conduct which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

\*\*\*can involve criminal investigation

Misconduct against Community		
Type of Misconduct	Example of Misconduct	Level of Warning
Antisocial behaviour on Campus	• Smoking/ Vaping/ E-smoking/ other than in designated smoking areas in the University premises. Shisha smoking is strictly not permitted.	1-4
	• Consumption of alcohol / illegal substances or drugs**	3-4
	• Excessive printing or copying, or other unauthorised use of printing or copying facilities as outlined in the Printing and Photocopying policy and guidance for students.	1
	• Possession, storing, transporting, selling, serving, giving away, making available or sharing or consuming alcohol / illegal substances or drugs**	2-4

	<ul style="list-style-type: none"> <li>Exhibiting signs of being under the influence of alcohol or illegal drugs (i.e. the odour, blood-shot eyes, difficulty standing, etc.) and/or being present when another person is violating these rules</li> <li>Inconsiderate behaviour towards others in common areas such as the lobby / elevators / entranceways / parking areas</li> <li>Noise nuisance, such as playing loud music or slamming doors and not observing quiet area rules</li> </ul>	<p>2-4</p> <p>1-4</p> <p>1-4</p>
Antisocial behaviour with in The Residences (student accommodation)	<ul style="list-style-type: none"> <li>Inconsiderate behaviour towards others within the Residences including all common areas and the swimming pool / gym / sports court / parking areas</li> <li>Noise nuisance, such as playing loud music or slamming doors (within the Residences)</li> <li>Offensive or disruptive behaviour in the Residences</li> <li>Repeated antisocial behaviour within the Residences</li> </ul>	<p>0-2</p> <p>0-2</p> <p>0-2</p> <p>2-4</p>
Antisocial behaviour in any location***	<ul style="list-style-type: none"> <li>Failure to comply with the laws of Dubai and/or the United Arab Emirates including but not limited to the Dubai Code of Conduct.</li> <li>Environmental damage including littering, dumping of rubbish, inappropriate usage of bins, fly-tipping</li> <li>Inconsiderate or inappropriate use of vehicles, including inconsiderate parking and vehicle noise</li> <li>Possession, storage, transit or use of fireworks or other safety hazards</li> <li>Repeated inconsiderate behaviour towards others including Parking</li> </ul>	<p>0-4</p> <p>0-2</p> <p>0-2</p> <p>2</p> <p>2-4</p>

\*\* Alcohol consumption is prohibited for Muslims in the UAE and strictly regulated for others especially in public places. The UAE has a zero-tolerance policy for use of illegal substances and drugs. UAE Federal Law No. 14 of 1995 criminalises production, import, export, transport, buying, selling, possessing, storing of narcotic and psychotropic substances and the local police and undercover agents focus heavily on preventing with drug's issues.

\*\*\*can involve criminal investigation

**4.5.** Penalties are determined depending upon the gravity of the case and/ or the ongoing nature of the misconduct. The greater the severity of the misconduct, the greater the number of warning points and the greater the severity of the penalty. The range of penalties available include: a formal warning, restrictions/ conditions, a written apology, suspension or expulsion. Other penalties can include:

- Issuing a formal oral or written warning.
  - Alerting the students' parent / legal guardian (especially when at risk of harm to self or others).
  - Placing the student on behavioural probation.
  - Requiring the student to render a formal apology.
  - Requiring the student to develop a research project, present a workshop or a reflection paper outside the assessment scheme of their programme but relevant to this code.
  - Mandating engagement in community service and volunteering work.
  - Suspending the student from the University.
  - Withdrawing or restricting privileges (for example, access to certain facilities and common areas, services, activities or events).
  - Expulsion from University.
  - Requiring the replacement or repairing of any damaged property (or restitution for costs of the same).
  - *Imposition of fines and charges.* A fine can be a sum of money imposed as a penalty following disciplinary action and can range from AED 100 to AED 2,000. Fines can also be imposed by relevant law enforcement and governmental entities beyond the scope or limits of this Code (e.g. false activation of a fire alarm which is punishable with a fine of AED 5,000). A charge can include a sum of money imposed on the student in recompense for damage caused or loss incurred. A fine can be levied in addition to a charge following disciplinary action.
  - Requiring the student to undertake a consultation with the University counsellor and/or a relevant expert.
  - Advising the home university (in the case of a Study Abroad or Exchange student).
  - Any other penalty that is appropriate to the case at hand and proportionate to the violation
- 4.6.** Warning points issued under Academic Misconduct regulations (see Section F of Middlesex University Regulations) will be accumulated with warning points issued under these rules.
- 4.7.** Where a student is enrolled on a programme leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practise that profession or calling is deemed to be misconduct.

Please note: for some professional programmes there are separate 'Fitness to Practice' panels which consider this issue and which work in conjunction with these regulations. Delegated authority is given to professional leads which are in a position to make professional standard judgements and undertake an appropriate risk assessment.

- 4.8. The University reserves the right to impose penalties in cases in which a student has withdrawn from courses, withdrawn from the University, or been awarded a degree prior to the resolution of a conduct case. The University may impose registration, enrolment and/or housing holds to prohibit registration/enrolment during the proceedings. If a sanction has been imposed on a student who has withdrawn from the University or been awarded a degree prior to the resolution of a conduct case, the files will normally be retained as a disciplinary record for at least five years.

## 5. THE DISCIPLINARY PROCESS

Where a student engages in any activity which may constitute misconduct under the University's Student Conduct and Discipline rules, the following procedures shall apply.

### Stage 1: Early Resolution and Reporting

- 5.1. Where issues concerning student conduct and behaviour arise in the day to day running of the University, where possible, these issues are to be resolved at a local level by a member of staff. For example, in relation to the running of the Residences, the published Residences Manual sets out how such issues will be dealt with at a local level.
- 5.2. With respect to student conduct and behaviour in a learning or teaching environment, appropriate managers are empowered to impose 0 warning points in the form of, for example, a written warning. These staff members do not have the authority to impose sanctions greater than 0 warning points but will refer cases to be dealt with under these procedures where appropriate.
- 5.3. If it is not possible and/ or appropriate to deal with an issue at a local level or the issue concerns misconduct which appears to be actually or potentially serious i.e. is deemed to warrant a sanction greater than 0 warning points, the matter shall be reported to the attention of the Quality Office or referred through the Care and Concern procedure. The incidents of alleged violations must be filed with the Quality Office within 10 working days of the occurrence or the discovery of the alleged violation(s) unless there are extenuating circumstances that prevent this. If the reporting person (student or member of staff) fails to provide evidence or a written statement of facts within 10 days, the allegation will be treated null and void.
- 5.4. If a concern is reported to the Quality Office, or referred through the Care and Concern procedure, the student will normally be informed of this.
- 5.5. *Precautionary measures:* The University is committed, where possible, to ensuring students can remain engaged in their studies whilst disciplinary proceedings are ongoing and where possible.

However, depending on the nature of the concern and the information available, a decision will be made by the Deputy Director (or Nominee) on whether or not to exclude or suspend the student pending further investigation. Precautionary measures may be put in place if they are reasonable and proportionate to protect the reporting student or others while the allegation is being dealt with and may include:

- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/ or certain witnesses and/ or requiring the accused student to move accommodation)
- Suspending the accused student from his/ her studies on a full, qualified or partial basis
- Excluding the accused student (for example, prohibiting the accused student from going to certain accommodation blocks or using the sports facilities or from attending a placement)

A risk-based approach may be used to inform this decision.

- 5.6.** Suspension is most likely to be used only if the seriousness of the case warrants it.
- 5.7.** A student who is suspended or excluded pending further investigation will have the opportunity to make representations or request a review of the decision at any stage to the Deputy Director (or Nominee) if there is a material change in circumstances.
- 5.8.** At a suspension review meeting, the panel will consider:
- any relevant reports, documents and records
  - the student's response to the allegation;
  - any relevant witness statements; and
  - the seriousness (and frequency) of misconduct.

It is the panel's responsibility to determine the outcome of the suspension review meeting and to decide one or more of the following options:

- to lift suspension and take no further action;
- to lift the suspension and impose exclusion conditions;
- to keep the suspension conditions in place, pending further investigation;
- to progress to a disciplinary hearing.

A risk-based approach may be used to inform any of the above outcomes.

- 5.9.** When a concern is reported, the Deputy Director (or Nominee) will progress the disciplinary process to Stage 2 and commence investigatory proceedings.

## 6. Stage 2: Investigation

- 6.1** The Deputy Director (or Nominee) will commence the investigation stage which constitutes gathering information and collating evidence relating to the allegation of misconduct.
- 6.2** Evidence is likely to be, but not exclusively, in the form of a written statement from the reported party/parties; statements from other parties, for example, from a member of staff; reports from, for example, The Residences or Security; other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots. In addition, a student may be invited to attend an investigatory meeting where they will be asked questions relating to the alleged misconduct and provided the opportunity to present their version of events.
- 6.3** If an investigatory meeting is required, the student will be requested in writing to attend. The purpose of the investigatory meeting is for the student to answer questions pertaining to the alleged misconduct.
- 6.4** At an investigatory meeting, students are entitled to be accompanied by a student or staff member of the University or a Student Council representative. Legal representation is not permitted.
- 6.5** On conclusion of the investigatory proceedings, the Deputy Director (or Nominee) shall consider the gravity of misconduct and determine the following:
- To take no further action;
  - To issue a written warning;
  - To order the making good or restitution of damage or loss i.e. to impose a fine;
  - To exclude or suspend the student;
  - To set up a disciplinary committee

A risk- based approach may be used to inform any of the above outcomes.

## 7. Stage 3: Disciplinary Committee Hearing

- 7.1** A disciplinary committee meeting is scheduled when a student is invited to a formal hearing to discuss allegations against her/him in front of a panel and answer questions relating to the allegation of misconduct.
- 7.2** The committee will be made up of senior members of staff with the suitable expertise to fairly, impartially and carefully consider the case (see Terms of Reference).
- 7.3** The student will have the opportunity to present their version of events and comment on available evidence presented to them by the committee.

- 7.4** At any disciplinary committee hearing, students are entitled to be accompanied by a student or staff member of the University or a Student Council representative. Any other representation is not normally allowed except with express permission by the Chair of the disciplinary committee not less than 24 hours prior to the meeting. Legal representation is not normally permitted.
- 7.5** The student will be advised in writing of his or her requirement to attend a disciplinary committee hearing and provided with no less than 5 working days' prior notice.
- 7.6** The student will have the opportunity to address the committee through a formal written statement in which the student will specifically address the allegations presented against the student.
- 7.7** At the disciplinary committee hearing, the panel will consider: the evidence presented before them; the student's response to the allegation; any witness statements, including those provided to the committee in person; and, the gravity (and frequency) of misconduct. It is the panel's responsibility to determine the outcome of the disciplinary hearing and to recommend to the Director one or more of the following options:
- To take no further action;
  - To issue a written warning;
  - To order the making good or restitution of damage or loss i.e. to impose a fine;
  - To exclude or suspend the student;
  - To expel the student
- A risk- based approach may be used to inform any of the above outcomes.
- 7.8** The student will normally be informed of the committee's decision as soon as possible after the disciplinary hearing.
- 7.9** Should the student choose not to attend the committee hearing, he/she has the right to provide representation in the form of a written statement.
- 7.10** Should the student choose not to attend, the disciplinary committee hearing shall continue in the student's absence. The Deputy Director (or Nominee) will contact the student in writing thereafter regarding the committee's decision.

## **8. Stage 4: Appeal**

- 8.1** The student shall have the right of appeal to Director within 10 working days, giving the grounds for the appeal, if:



- The student is aggrieved by the verdict made by the panel at a disciplinary committee hearing, and wishes to appeal the outcome;
- The student is aggrieved by the decision to suspend or exclude and wishes to appeal the decision;
- The student is aggrieved by an order to make good of damage or loss i.e. the decision to impose a fine, and wishes to appeal the order.

**8.2** 'Working day' refers to a day on which the University is normally open: it does not include Friday, Saturday, Public Holidays or other designated periods of closure outside the academic terms.

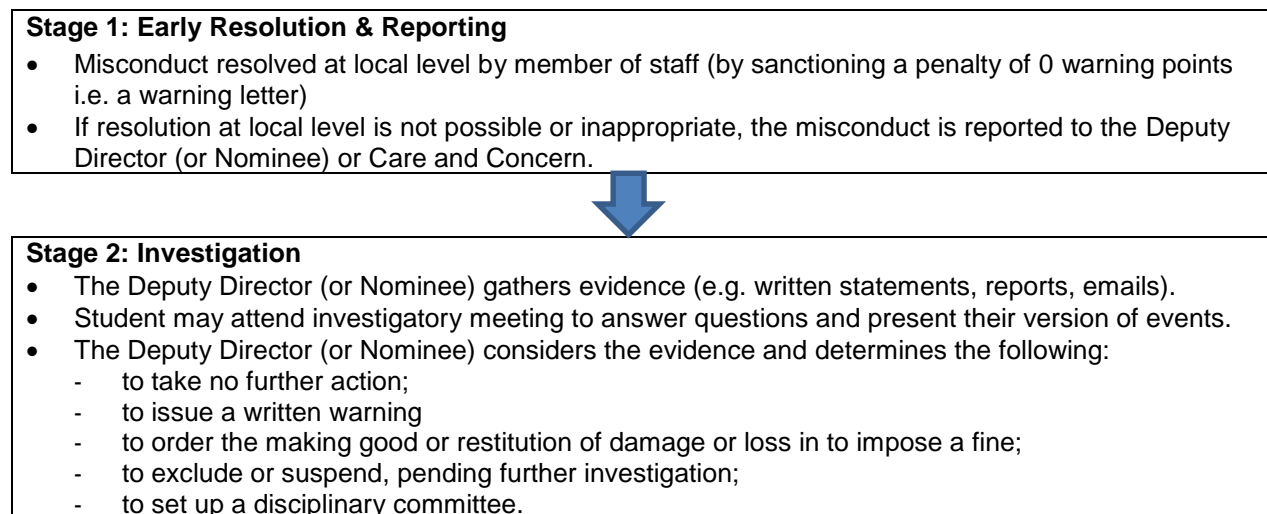
**8.3** The Director shall consider the appeal and shall decide whether to uphold or amend the decision made. The decision of the Director shall be final.

**8.4** Following an appeal to the Director, these procedures are now complete, opening the way for the student to approach the UK's Office of the Independent Adjudicator.

**8.5** An appeal to the Office of the Independent Adjudicator should be made in writing to the address below within one year of the student receiving notification that the internal procedures of the University have been completed. They should enclose a copy of the final decision of the University and state the reasons for seeking redress from the Higher Education Independent Adjudicator in the United Kingdom (UK).

The OIA, OIA Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB, United Kingdom. Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). The website address is [www.oiahe.org.uk](http://www.oiahe.org.uk).

## 9. Flow Chart of the Disciplinary Process





### Stage 3: Disciplinary Committee Hearing

- Student advised in writing to attend disciplinary hearing in front of a committee to: answer questions about the alleged misconduct and give an account of their version of events.
- Student has the right to be accompanied by a student or staff member of the Student Council.
- The committee considers all evidence presented before it to recommend to the Director:
  - to take no further action;
  - to issue a written warning;
  - to order the making good or restitution of damage or loss;
  - to exclude or suspend the student;
  - to expel the student.

Where 4 or more points have been exceeded, a verdict of suspension, exclusion or expulsion will be adopted.



### Stage 4: Appeal

- Student has the right to appeal to the Director within 10 working days if aggrieved by the verdict made by the disciplinary committee; the decision to suspend or exclude pending further investigation or; by an order to make good of damages or loss.
- The Director will consider case.
- The verdict of the Director ends the University's internal procedures.

At this point, the student will be issued with a Completion of Procedures letter which allows recourse to the OIA.

## 10. Warning Point Systems

- 10.1** Where a student's behaviour is being considered by the Deputy Director, (or Nominee) either at Stage 2: Investigation or Stage 3: Disciplinary Committee hearing, then warning points may be used as a penalty (either alone or in combination with other penalties), if considered reasonable and proportionate in the circumstances. Warnings, where considered appropriate, are recorded according to the seriousness and nature of the behaviour. There is no requirement that the University apply warnings where a warning is considered inappropriate to the circumstances and an alternative penalty is applied.
- 10.2** Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four-point scale: minor — serious — grave — suspension/expulsion.
- 10.3** A guide to the type of warning which might be issued is provided in paragraph 4.4 'Table of types of misconduct and consequences'. However, this is only a guide and it is expected that the Deputy Director (or Nominee) or the Disciplinary Committee will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/ or penalty issued accordingly.

**10.4** Warnings recorded remain on the student record for the duration of the student's enrolment at the University.

### **Accumulation of warnings**

**10.5** Each level of warning is scored on a 0 to 4 basis as follows:

*Number of Warning Points:*

0	Written
1	Minor
2	Serious
3	Grave
4	Suspension and/ or Expulsion

**10.6** Where the student has reached or exceeded 4 warning points on their student record, a decision about suspension, exclusion or expulsion must be made, and the student notified normally within two months after the most recent warning point is awarded.

### **Relationship with other penalties / warnings**

**10.7** Over and above these Rules, the University may impose financial and/or other penalties such as Library fines, charge for the use of facilities, reimbursement for loss or damage incurred to the University or personal property of staff, students or visitors. Action taken by the University under those arrangements may lead to reference to the Deputy Director (or Nominee) for consideration of awarding a warning or for other action under Student Conduct and Discipline Rules. Any such warning will be additional to any of the foregoing penalties, charges or reimbursement.

**10.8** The University may record the existence of warnings on any reference supplied.

**10.9** In accordance with Admissions Policy - section on Re-application from previously registered students ([https://www.mdx.ac.uk/\\_data/assets/pdf\\_file/0024/363480/APS-7-Admissions-Policy.pdf](https://www.mdx.ac.uk/_data/assets/pdf_file/0024/363480/APS-7-Admissions-Policy.pdf)), if an applicant has had previous study terminated, the University reserves the right to not consider their application to any programme of study.

## **11. Misconduct which is also a criminal offence**

**11.1** There may be instances where an alleged act of misconduct may also constitute a criminal offence.

**11.2** The nature and scope of the University's internal disciplinary process and the nature and scope of a criminal process are fundamentally different and independent. It is important to maintain a clear distinction between them:

- Under the criminal process, the allegations will be treated as a potential criminal offence; under the disciplinary process, the allegations will be treated as a potential breach of discipline.

- The criminal process is an external procedure. It deals with allegations that a student has committed a criminal act. The allegation has to be proven beyond reasonable doubt. A judge can impose a wide range of sanctions on an individual who is found to have committed a criminal offence, in accordance with the criminal laws of the UAE.
- The internal disciplinary process is conducted internally at the University. It is based upon an allegation that a student has breached the University's rules and regulations. The allegation has to be proven on the balance of probabilities. The most serious sanction that can be applied is permanent expulsion from the University.
- Any adverse finding in the criminal process could result in the student having a criminal record and that subsequently could have a serious detrimental effect on the future of the individual concerned at the University.

**11.3** The criminal process takes priority. If the matter is being dealt with under the criminal process, then, save for taking any necessary precautionary action, the disciplinary process will be suspended until the criminal process is at an end. In that way, the disciplinary process does not duplicate, overlap with or undermine the criminal process.

**11.4** If the matter is not being dealt with under the criminal process or where the criminal process has been concluded, then the University will consider whether a breach of discipline has occurred through the University's Student Conduct and Discipline procedure.

## 12. Procedures for Misconduct Which May Constitute a Criminal Offence

### Reporting Incidents

**12.1** Anyone can make a report of criminal activity to the Police. Where the victim of a criminal offence is the reporting student, the University will usually consider that the decision to report a criminal offence is at the discretion of the reporting student.

### Precautionary Measures

**12.2** Where an offence under criminal law is reported to the University, action under this Code will be deferred pending any police investigation or prosecution save for taking any necessary precautionary measures:

- to ensure that a full and proper investigation can be carried out (either by police or a university investigator); and/ or
- to protect the reporting student or others while the allegation is being dealt with as part of a criminal process or a disciplinary process.

**12.3** Precautionary measures may be put in place if they are reasonable and proportionate and may include:

- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/ or certain witnesses and/ or requiring the accused student to move accommodation)
- Suspending the accused student from his/ her studies on a full, qualified or partial basis
- Excluding the accused student (for example, prohibiting the accused student from going to certain accommodation blocks or using the sports facilities or from attending a placement)

**12.4** The university has the right to review a case after three months if no information has been forthcoming from the student and/or the police regarding the progress of the case. The University may come to a conclusion based on the evidence available.

### **Criminal Investigation / Prosecution**

**12.5** Where the offence under criminal law is reported to the Police, action under this Code will be deferred pending any police investigation or prosecution. Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any warning points under this Code. A risk-based approach may be used to assess whether or a student may return to study.

### **Disciplinary Investigation / Charge**

**12.6** If the reporting student will not report the matter to the police or will not co-operate in their enquiries or the accused student is acquitted following criminal process, the University will consider the matter as a potential breach of student conduct and will consider sanctions. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the reporting student.

**12.7** Depending on the nature of the concern, the University will refer the misconduct which constitutes a criminal offence to the police.

**12.8** Failure to comply with the laws of Dubai and/or the United Arab Emirates including but not limited to the Dubai Code of Conduct (<https://www.mdx.ac.ae/prospective-students/international-students/local-laws-customs>), will impose sanctions. The following can be considered as illegal acts that may involve criminal investigation:

- Deceitful behaviour such as fraud/ attempted fraud, deceit, deception or dishonesty
- Unauthorised or inappropriate use of property such as unauthorised publication of a recorded activity (e.g. on YouTube, Facebook etc.) including malicious or defamatory comments
- Consumption of and/or possession of illegal substances on University premises or any University related premises including The Residences
- Taking of property belonging to another person without permission or stealing

- Any form of physically aggressive behaviour or assault
- Any form of verbally aggressive behaviour (violent, aggressive, abusive, threatening, defamatory or offensive) or harassment in writing, by email, via the internet (including social media) or otherwise
- Any form of sexually inappropriate behaviour or assault
- Dealing illegal substances on University premises or any University related premises including The Residences

**Supporting Students**

- 12.9** The University will make available appropriate assistance and relevant information and support to all students involved in disciplinary matters which may constitute a criminal offence, from the time when the incident is first reported to the University up until the time when the relevant criminal and/ or disciplinary process has been concluded and in some cases, beyond that.
- 12.10** In cases involving allegations made by one student against another student, the University will afford the same duties and obligations to both students to ensure both are treated fairly. Due regard will be taken to, for example, exercise a duty of care, apply the principles of fairness and equality i.e. the right to a fair hearing before an impartial decision-maker.
- 12.11** It is the University's priority to ensure, where possible, that the disciplinary process does not impinge a student's academic studies. This may mean, for example, the implementation of no-go areas on the University campus, in place of suspending a student.