**LEARNER CODE OF CONDUCT**

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1. **INTRODUCTION**

Learners are ambassadors of the Professional Centre (PC) and are often seen as reflections of their chosen profession. There is a necessity, therefore, to instil desirable behaviour, attitudes and values in all learners as stipulated in the Education Act 2004 **68** (1). There is also the need to ensure that the PC operates a safe and secure learning environment where everyone and all property of the PC are protected and the core mission of the PC given effect to without undue distraction.

All members of the PC community are expected to support an environment that is conducive to the personal and professional growth of all who study, work and live within it. The PC has a responsibility to govern the activities of all its members and set standards of behaviour in order to promote and maintain an environment of mutual respect for the rights, responsibilities, dignity and well-being of others and the larger community. The PC must therefore make provisions for student discipline with respect to conduct that jeopardizes the good order and proper functioning of the training programmes and activities of the PC, that endangers the health, safety, rights or property of its members or visitors, or that adversely affects the property of the PC or bodies related to it.

1. **POLICY STATEMENT**

The *Code of Conduct* applies to the conduct of all learners both on-campus and off-campus. Conduct of learners is connected with the following:

1. Academic course/programme requirements or any credit bearing experiences, such as work based experience;
2. Any activity sponsored, conducted, or authorised by the PC
3. Any activity that causes destruction to property
4. Any activity in which the law enforcement agencies are involved

Learners have a duty to read and comply with the Code of Conduct and all other standards of behaviour required by the PC's policies and procedures, and to conduct themselves accordingly.

Learners continue to be subject to State laws while at the PC, and violations of such laws may also constitute violations of this Code of Conduct. In such instances, the PC may proceed with PC disciplinary action under the policy independently of any criminal proceedings undertaken by law enforcement agencies.

1. **DEFINITIONS**

As used in the policy:

1. “PC premises/campus” includes all lands, buildings, facilities, and resources managed, or operated, by the PC.
2. “Learner(s)” mean individuals enrolled part-time or full-time in any Course or Programme offered by the PC.
3. “Members of the PC community” include, but are not limited to, learners, staff, and visitors to the PC.
4. “Complaint” means a written statement, alleging a violation of the Code of Conduct or other published rule applicable to learners at the PC.
5. “Misconduct” means actions by a learner that are in violation of their responsibilities under the Code of Conduct and actions that constitute a defined offence within this Code.
6. “Sanction” means penalty for violation of the Code of Conduct.
7. “Suspension”prohibits the student from attending the PC, and from being present on PC premises without the permission of the Director for a specified period of time.
8. “Working day” means Monday through to Friday during regular PC opening hours.

**4.0 ABBREVIATIONS**

For the purpose of this policy, the following abbreviations are used:

PC – Professional Centre

LSO – Learner Support Officer

LCAC - Learner Conduct Appeal Committee

HOP – Head of Programme

PL – Programme Leader

CL – Course Leader

**5.0 LEGAL CONTEXT OF THE POLICY**

The Education Act, 2004 stipulates at Section **43**. (a) that every student enrolled in a State school or educational institution shall observe the code of conduct of the Ministry and the school. Further, Section **44.** (1) of the Act emphasises the student’s accountability **-**

1. to the teacher, lecturer, instructor or other authorised person for his or her conduct on the school premises during school hours and during such hours as the teacher, lecturer, instructor or other authorised person is in charge of the student in class or while engaged in authorised school activities conducted during or outside school hours; and
2. to the headteacher or director for his or her general conduct at any time that he or she is under the supervision of the school and members of staff.

**6.0 THE POLICY**

* 1. **Scope**

This policy shall apply to all learners enrolled in any Course or Programme offered by the PC, whether full-time or part-time.

Learners are expected to be individually responsible for their actions whether acting individually or in a group. The PC takes the position that learners have an obligation to make legal and responsible decisions concerning their conduct. In the exercise of its disciplinary authority and responsibility, the PC treats learners as free to organize their own personal lives, behaviours and associations subject only to State laws and to the PC regulations that are necessary to protect the integrity and safety of the activities of the PC and the freedom of members of the PC community to participate reasonably in the programmes of the PC and in activities in or on the PC’s premises.

Any learner reported for alleged misconduct is subject to informal or formal disciplinary procedures within this Code, regardless of the action or inaction of civil/criminal authorities. Misconduct by a learner may also constitute a violation of other PC policies.

* 1. **General Guidelines and Procedures**

**6.2.1 Expectations**

The core purpose of the PC is to offer teaching and support learning. As such, it is extremely important that the teaching and learning environment is such that allows learners to learn to their fullest potential.

The expectations relevant to the conduct of learners are as follows:

1. Showing respect and consideration for all members of the PC community.
2. Behaving in a way that does not affect the learning, enjoyment, health and safety of other members of the PC community.
3. Being courteous, responsible and respecting the rights and opinions of others.
4. Respecting the work, ideas, beliefs and values of others.
5. Working co-operatively with all members of the PC community and carrying out instructions and requests when asked to do so.
6. Wearing the PC uniform in the stated way and following appropriate grooming procedures.
7. Maintaining a clean, tidy, orderly and healthy PC environment.
8. Using all PC equipment and resources safely and responsibly.
9. Returning any items or books by the time required.
10. Attending all classes regularly and on time.
11. Completing course work and other parts of the programme (e.g. work based experience) to a satisfactory standard and on time.
12. Switching off mobile phones and/or other personal devices in all learning areas.
13. Knowing and following **ALL** PC policies, procedures and specific regulations.
    * 1. **Prohibited Conduct**

Any learner found to have engaged, or attempted to engage, in the following while within the PC's jurisdiction, shall be subject to disciplinary action by the PC:

1. Academic misconduct

Examples of academic misconduct include, but are not limited to:

* 1. Violation of programme rules;
  2. Plagiarism, collusion, copying or cheating to improve own performance or gain other rewards:
* Knowingly providing, receiving, using or being in possession of unauthorised materials during examinations;
* Knowingly providing or using unauthorized assistance on a course assignment;
* Collaborating with someone else on assessments which should have been individual work;

1. Serving as, or enlisting the assistance of a substitute for a learner in any graded assignments;
2. Alteration of grades or marks by the learner in an effort to change the earned grade or credit;
3. Alteration of academically-related PC forms or records, or unauthorised use of those forms or records;
4. Engaging in activities that unfairly place other learners at a disadvantage, such as taking, hiding or altering resource material, or manipulating a grading system;
5. Endangering health or safety of any member of the PC community
6. Sexual misconduct
7. Bullying
8. Destruction of property
9. Misuse of PC premises
10. Possession or use of dangerous weapons, devices, or substances
11. Dishonest conduct
12. Theft, attempted theft, or the unauthorised use or possession of PC property, services, resources, or the property of others
13. Failure to comply with PC or civil authority directives
14. Use, production, distribution, sale, or possession of illegal substances
15. Use, production, distribution, sale, or possession of alcohol
16. Being under the influence of alcohol or any illegal substances
17. Disorderly or disruptive conduct
18. Using abusive language or assaulting others
19. Using electronic or other means to make a video or photographic record of any person in a location where there is a reasonable expectation of privacy without the person's prior knowledge, when such a recording is likely to cause injury, distress, or damage to reputation
    * 1. **Violations**

Any learner who violates the *Code of Conduct* shall be subject to specified sanctions by the PC.

A complaint alleging a violation of the *Code of Conduct* must be filed with the PC as soon as practicable following the discovery of the alleged violation.

Learners shall be notified of PC violations in writing, and a copy shall be maintained in the learner file. For learners below 18 years (who have not reached legal age of maturity), parents shall be called in for conferencing.

Following notification of violations, learners are strongly encouraged to and shall be afforded the opportunity to meet with a designated PC official for the purpose of explaining the PC violation and discussion of the disciplinary action.

* + 1. **Sanctions**

Sanctions shall be commensurate with the violations found to have occurred. Sanctions shall take into account any circumstances or factors relating to the violation. These may include, but are not limited to: any provocation that elicited the violation; the learner’s disciplinary history; any previous sanction(s) already applied to the learner; any failure of the learner to comply fully with previous sanctions; the extent to which the behaviour jeopardizes the safety and security of the PC community; the degree of intent and motivation of the learner in committing the violation; and, the likelihood of the behaviour occurring again.

One or more of the following courses of action may be taken when a learner has been found to have violated the *Code of Conduct*:

1. An oral or written **informal reprimand**.
2. A formal written **letter of warning** (3 written warnings will lead to dismissal).
3. **Disciplinary probation** for a specified period of time which may also involve the loss of specified privileges. Further violation of PC policies during the probationary period will additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal.
4. **Suspension\*** for a specified period of time. Satisfactory completion of specified stipulations may be required for readmission at the end of the suspension period.
5. **Dismissal\*** whereby a learner’s enrolment at the PC is immediately terminated without opportunity to re-enrol in the future.

\*A learner who has been sanctioned with a suspension or dismissal shall be denied all privileges afforded to a learner and shall be required to vacate PC premises at a specified time. After vacating PC premises, a suspended or dismissed learner may not return at any time, for any purpose, in the absence of expressed written permission from the Director.

Other appropriate sanctions may be imposed singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to: repayment of any damaged or appropriated property; reassignment to another room, class or group; restriction of access to specified PC premises; referral to medical resources or counselling personnel.

* + 1. **Rewards**

Learners shall be appropriately rewarded for positive behaviour. Rewards may include, but are not limited to, oral or written formal praise, commendation letter, certificate, or nomination for national awards.

* + 1. **Appeals**

A learner found to have violated the *Code of Conduct* has the right to appeal the original decision as per the Education Act 2004, Section **70** (2).

An appeal may only be based upon the following grounds:

* 1. New information, not available at the time of the original hearing, was discovered and such new information could affect the decision rendered in the original conduct case.
  2. Procedural error that resulted in material harm or prejudice to the learner (i.e. by preventing a fair, impartial, or proper hearing).
  3. The sanction imposed as the result of the original hearing was excessively severe in relation to the violation that the learner was found to have committed. Appeals submitted on a claim that the sanction was excessively severe do not have bearing on the finding of “in violation” and relate only to the sanctions imposed.

A learner who has accepted responsibility for violating the *Code of Conduct* waives the right to appeal, except on the basis that the disciplinary sanction was grossly disproportionate to the violation(s) committed.

The learner may appeal the decision by filing a written appeal, including a detailed explanation of the reason for the appeal, within ten working days after receiving written notification of the decision. The final date for filing an appeal shall be specified in the original decision letter. It is the student’s obligation to provide any and all materials they wish to have considered at the time of appeal submission.

If a case is appealed, and unless the welfare of a person or the PC community is threatened, all of the sanctions imposed in the case will not go into effect until either the deadline for filing an appeal passes and no appeal is filed or, if a timely appeal is filed, the appeal is decided, whichever comes first.

The Director shall appoint a Learner Conduct Appeal Committee (LCAC). The LCAC shall process the appeal and notify the learner of the final decision in writing within ten working days of receipt of the appeal. The LCAC members shall have no prior involvement with the case and shall only consider information contained in the record of the case; however, the LCAC may request clarification of the original decision rendered.

The decision of the LCAC shall be final.

**6.2.7 Record Retention**

Learner conduct records shall be maintained on individual learner files in the office of the Learner Support Officer (LSO).

Learner conduct records shall be treated as confidential and shall not be accessible to or used by anyone other than the Director, the LSO or authorised PC staff; except upon written authorization of the learner or in accordance with applicable State laws.

**6.2.8 Learner Groups**

Learner groups are subject to the same behavioural expectations as individual learners and as such, may be charged with violations of the Code of Conduct. The same Code of Conduct sanctions afforded individual learners are applicable to learner groups.

Learner groups, their members, as well as other learners may be held collectively and/or individually responsible for violations of the Code of Conduct that occur on PC premises, and/or at PC activities on or off campus.

Sanctions for learner groups shall be as cited in this Code of Conduct Policy.

**7.0 POLICY IMPLEMENTATION**

This Policy shall be applied in all instances when a learner or a learner group has displayed either positive or negative behaviour. The implementation of the Policy shall be guided by the following principles:

1. Openness and learner protection – interventions shall seek to promote positive behaviour while providing protection to the learner.
2. Integrity - interventions shall seek to demonstrate the highest level of fairness.
3. Ethics – interventions shall seek to produce responsible, respectful and productive citizens.
4. Confidentiality - Confidentiality of the PC records relating to each learner is protected.
5. Safety - The PC is committed to promoting safe conditions of learning, studying and working.

**8.0 MONITORING, EVALUATION AND REVIEW OF THE POLICY**

Monitoring of this policy shall be carried out by the Director in collaboration with the Management Committee and the Academic Committee.

The *Code of Conduct* is an official publication of the PC Board. All petitions for revision and amendment of this Code of Conduct shall be submitted to the office of the Director. Proposed revisions to the Code of Conduct shall be reviewed, in draft form, by the Director and the Management Committee. No revision shall become effective unless approved by the PC Board and until printed notice of such revisions is made available to learners.

It is projected that this Policy shall be reviewed every three years to take into account the above and in consideration of development and trends in the tertiary education and training landscape.

**9.0** **RESPONSIBILITY**

The Director shall have the final responsibility and authority for the discipline of all learners of the PC as delegated by the PC Charter.

10.0 RELATED INFORMATION

Professional Centre Documents:

*Manual Learners’ Handbook.*

*Health and Safety Policy*

*Learner Rights and Responsibility Policy*

Other Documents:

*Professional Centre Charter*

*Tertiary Education Act 2011*