**LEARNER RIGHTS AND RESPONSIBILITIES POLICY**

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**1.0 INTRODUCTION**

The Professional Centre endeavours to provide a safe environment, conducive to personal and intellectual growth, which is characterized by understanding, respect, peace, tolerance, trust, openness and fairness. As members of the PC community, learners can expect to be part of a respectful, engaging and collaborative environment.

Members of the Professional Centre (PC) community have certain rights and responsibilities, including an obligation to deal ethically and fairly with other members and to not discriminate or harass. The PC has established policies and procedures to ensure that all members of the PC community may benefit from the promotion of its core values. All members of the PC community should share responsibility for ensuring that the PC’s learning and work environment respect these commitments***.*** The PC upholds and shall take reasonable steps to ensure that learners, as members of the PC community, are aware of their rights and responsibilities and uphold these rights and responsibilities.

**2.0 POLICY STATEMENT**

This policy is to safeguard the rights of learners of the PC and ensure that the learner’s experience at the Professional Centre (PC) is enhanced through a conducive learning environment. The policy supports the PC’s commitment to the principles of equality and diversity, and the protection of learners.

In terms of rights entitlement, the emphasis of this policy is on learners having access to training programmes and facilities, discontinuing and renewing their studies and participating in the management of the Professional Centre they are enrolled in. The responsibilities extend from learners fulfilling the requirements of their respective programme of learning to compliance with the Learner Code of Conduct.

Learners are encouraged to exercise personal responsibility and which it considers relevant to success in the PC’s programmes. The PC shall encourage resolution of challenges and conflicts. Learners are urged to discuss their concerns with relevant staff members or the Learners’ Council Chairperson.

The PC Disciplinary Committee and all participants shall take reasonable steps to protect the rights and, to the extent appropriate, the confidentiality of all parties involved in any proceedings under the Learners Code of Conduct.

Learners have certain rights as members of the PC in addition to those constitutional and statutory rights and privileges inherent in the Constitution of Seychelles. Nothing in this policy shall be construed so as to limit or abridge learners' constitutional rights.

**3.0 DEFINITIONS**

*Beliefs*: The mental act,condition,or habit of placing trust or confidence in another.

*Conducive:* Tending to cause or bring something about.

*Confidentiality*: Discretion in keeping secret information.

*Counci*l: A body of persons appointed or elected to act in an advisory,administrative, or legislative capacity.

*Conscientiously*: Guided by or inaccordance with the dictates of conscience/principles.

*Consistently*: In an expected or customary manner; for the most part.

*Discrimination* :The act or an instance of distinguishing.

*Favouritism*: The favouring of one person or group over others with equal claims.

*Personal property*: Property owned by a person that is not real estate; any rights or interests that a person has.

*Prejudice*: An adverse judgment or opinion formed unfairly or without knowledge of the facts.

*Privacy:* The state of being free from unwanted or undue intrusion or disturbance in one's private life or affairs;freedom to be let alone.

*Privileges:* The principle or condition of enjoying special rights or immunities.

*Regulations*: A law,rule,or other order prescribed by authority, especially to [regulate](http://dictionary.reference.com/browse/regulate) conduct.

*Resolution*: The act of [resolving](http://dictionary.reference.com/browse/resolve) or determining upon an action course of action,method, procedure.

*Safeguard:* Something that serves as a protection or defense or that ensures safety.

*Self-discipline*: One's own feelings, desires of improving him or herself.

*Sexual harassment:* The persistent unwelcome directing of sexual remarks and looks and unnecessary physical contact at a person.

*Statutory rights*: Statutory rights are an individual’s legal rights, given to him or her by the local and national ruling government.

*(Learner) malpractice:* means malpractice by a learner in the course of any examination or assessment, including the preparation and authentication of any controlled assessments or coursework, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination paper.

*Cheating:* means trying to gain an unfair advantage over fellow learners or attempting to deceive those setting, administering and marking the assessment.

*Plagiarism:*is copying someone else’s work and trying to pass it off as one’s own. It might be another learner’s work that is copied, or it might be the extensive use of published material from books and articles without proper acknowledgement of the source.

***Collusion:*** Collusion is the active cooperation of two or more learners to deceive examiners. Learners will be guilty of collusion if they knowingly allow any of their academic work to be acquired by another person for presentation as if it were that person’s own work. If a learner offers to provide work to another learner to be passed off as their own he/she is guilty of collusion.

**4.0 ABBREVIATIONS**

PC -Professional Centre

WBE – Work-Based Experience

1. **LEGAL CONTEXT OF THE POLICY**

This policy stems from the provisions of **Part 5** – Learners, Their Rights and Duties (Sections 35 and 36) of the Tertiary Education Act of 2011. It is also grounded in The Constitution of Seychelles, 1995.

1. **THE POLICY**

**6.1 Scope**

This Policy applies to all learners enrolled in the PC, and while on the PC premises, when acting as delegates or designated representatives of the PC, and when on Work-Based Experience. It applies to behaviours or conduct occurring in both academic and non-academic settings and may be applied to behaviours or conduct online if the rights of members of the PC community to use and enjoy the PC’s learning or working environments are adversely affected. Where an event impacts the PC environment, the PC also reserves the right to enforce this Policy regardless of whether any legal proceedings are undertaken by any other party.

**6.2 General Guidelines and Procedures**

* + 1. **Learner Rights**

**6.2.1.1 Access to programmes of learning and facilities**

The PC shall be open to all learners who meet the PC’s admission criteria, who’s potential could be reached through the PC’s study programmes, facilities and services available to learners under the rules and regulations of the PC.

* + - 1. **Learning environment**

Learners have a right to support and assistance from the PC in maintaining a climate conducive to thinking and learning. Learners have the right to a PC community characterised by mutual respect and equal opportunity. Learners have the right to study in a safe environment where their physical and psychological well-being is protected. Teaching at the PC should reflect consideration for the dignity of learners and their rights as individuals. Learners are entitled to academic freedom and autonomy in their intellectual pursuits and development.

* + - 1. **Rights on programme**

Learners have the right to reasonable notice of the general content of the programme/course, what will be required of them, and the criteria upon which their performance will be assessed. Learners have a right to have their performance evaluated promptly, conscientiously, without prejudice or favouritism, and consistently with the criteria stated at the beginning of each course of their learning programme.

* + - 1. **Discontinuation and renewal of programme of study**

Learners have the right to discountinue and renew studies in accordance with the procedures established by the PC Charter and statutes.

* + - 1. **Role in governance of the PC**

Learners have a right to participate in the formulation and application of the PC policies affecting academic and learner affairs through clearly defined means, including membership on appropriate committees and administrative bodies. Learners have a right to due process in any proceeding involving the possibility of substantial sanctions. This includes a right to be heard, a right to decision and review by impartial persons or bodies, and a right to adequate notice.

**6.2.1.6 Freedom from discrimination and sexual harassment**

Learners have a right to be free from illegal discrimination and sexual harassment.

* + - 1. **Freedom of expression**

Learners shall be free, individually and collectively, to express their views on issues of PC’s policy and on matters of general interest to the learners by any lawful means. Learners will not be subject to academic or behavioural sanctions because of their constitutionally protected exercise of freedom of expression.

* + - 1. **Privacy and confidentiality**

Learners have a right to privacy and confidentiality subject to PC’s rules and regulations. Matters shared in confidence (including, but not limited to, information about a learner's views and beliefs) must not be revealed by members of the PC. Learners have a right to be free from unreasonable search and seizures.

* + - 1. **Learner’s records**

Learners have a right to protection against unauthorized disclosures of confidential information contained in their educational records. Learners have a right to examine and challenge information contained in their educational records.

* + - 1. **Learners Council**

Learners have a right to participate in elections for the Learners Council of the PC. The Learners Council shall have the means of providing input on the PC’s decision or policy affecting academic and student affairs and the right to form Learners Committee for any lawful purpose.

* + - 1. **Right to appeal**

Learners have the right to appeal against official decisions affecting them in accordance with rules and regulations of the PC.

* + - 1. **Learner’s property or belonging search**

Personal property of learners shall not be searched or seized without the learner’s knowledge and approval of the search, except in cases where the PC officials have a reasonable basis for believing that safety and security is involved.

**6.2.2 Learners Responsibilities**

Along with rights come certain responsibilities. Academic and non-academic integrity are inherent in learner responsibilities.

**6.2.2.1 General Responsibilities**

1. Learners have the responsibility to adhere to academic and non-academic regulations and abide by the PC’s Policies and Procedures.
2. Learners have the responsibility to treat all members of the PC community with respect, in learning environments and in all other interactions. Learners have the responsibility not to engage in behaviour that a reasonable person should reasonably know is unsafe or inappropriate and not to intimidate, interfere with, threaten or otherwise obstruct any PC activity, nor to hinder members of the PC community in the pursuit of their legitimate activities. Violence of any kind, including sexual violence, is strictly prohibited.
3. Learners are responsible for responsible use of technology. Learners are reminded that images, postings, dialogues, and information about themselves or others posted on the internet (e.g. on social networking sites such as Facebook) are public information. While PC does not actively monitor these sites, content that is brought to the attention of the PC which describes or documents behavior that reasonably suggests breach of PC relevant policies (e.g. Learner Code of Conduct) is subject to further investigation. The PC reserves the right to appropriately respond to these incidents, which may include disciplinary action.
4. Every learner is responsible to keep the PC informed of their current mailing address, contact information and any change of name.
5. Every learner is responsible to resolve academic and personal problems by communicating with the appropriate PC personnel.
6. Learners are expected to be individually responsible for their actions whether acting individually or in a group. Learners are considered by the PC to have an obligation to make legal and responsible decisions concerning their conduct and to model and convey the PC's expectations of conduct both on and off campus.
7. Every learner is responsible to observe and obey all health and safety procedures of the PC and those of host organizations during WBE.
8. Learners have the responsibility to respect the right of others to use the PC resources, and not to monopolize PC resources to the exclusion of others.
9. Every learner is responsible for contributing to making PC community safe, respectful and inclusive. Learners must refrain from conduct that threatens or endangers the health, safety, well-being or dignity of any person.

**6.2.2.2 Academic Responsibilities**

1. Learners are responsible to attend classes regularly, to be punctual, to keep work up to date, to complete assignments as required and to demonstrate a satisfactory level of performance and rate of progress.
2. Learners have the responsibility to take an active role in the learning process by meeting individual course and programme requirements.
3. Learners are expected to display appropriate conduct in teaching/learning situations, that will enhance the learning environment. Lecturers/instructors have the right to establish standards of behaviour and attendance requirements and learners shall be expected to meet these requirements.
4. Learners have the responsibility to maintain academic ethics and honesty in all its forms, including, but not limited to, cheating, collusion, plagiarism and other malpractices.

**7.0 POLICY IMPLEMENTATION**

All members of the PC community have a responsibility to implement and comply with this policy.

The PC is committed to promoting a safe environment for learning and working. The objects and purposes of the PC include the intellectual, social, moral, and physical development of its members, and the betterment of its community.

The best knowledge of a community resides with its members, who are thereby best placed to decide what conduct is appropriate or inappropriate to their diverse environment. For that reason, this policy reflects the collective contributions of all members of the PC community.

The implementation of the policy shall be guided by the following principles:

1. Openness and learner protection – interventions shall seek to reduce barriers to access to education and training while providing protection to the learner.
2. Flexibility and responsiveness – interventions shall seek to ensure promotion of flexibility in access to education and learning and address the needs and circumstances of the learner.
3. Integrity - interventions shall seek to demonstrate the highest level of fairness and confidentiality.

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

Monitoring and evaluation of this policy shall be carried out by the Board of the PC, the Learners Council and the Learner Support Officer.

This policy will be reviewed every 5 years to take into considerationany legal changes and trends.

**9.0 RESPONSIBILITY**

The PC Governing Board shall have the responsibity to ensure the effective implementation of policy.

10.0 RELATED INFORMATION

Professional Centre Documents:

Professional Centre Charter

Learner Code of Conduct

All PC Policies

Other Documents

Constitution of the Republic of Seychelles, 1995

Tertiary Education Act 2011