

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

### INTRODUCTION

Forus Training is a community of staff, trainers and learners working together for the common purpose of teaching and learning. It's Managing Director is the Head of Centre and its chief committee is the Quality Assurance and P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC).

**The structures and organisation of Forus Training** impose a duty on the Quality Assurance & Academic Governance Council (QAAGC) (QAAC) [P1 S4 Quality Assurance & Academic Governance Council \(QAAGC\) Terms of Reference](#) "to monitor attendance and discipline of learners and to impose penalties for breaches of attendance or discipline, subject to the right of a learner to appeal any penalty to the QAAGC.

This code sets out the expectations in relation to learner conduct and the related disciplinary process.

### NORMS OF BEHAVIOUR

Forus Training sustains commitment to quality in teaching and learning through our organisational values;

1. **Put people first** – At Forus we put the needs and the voices of people who use and work in our training services at the centre of all of our work.
2. **Be fair and objective** – At Forus we strive to be fair and objective in our dealings with people and organisations, and undertake our work without fear or favour.
3. **Be open and accountable** – At Forus we share information about the nature and outcomes of our work and accept full responsibility for our actions.
4. **Be committed to excellence** – At Forus we seek to continually improve and strive for excellence in our work.
5. **Work together** – At Forus we engage with those funding, planning, providing and using our training services in developing all aspects of our work.

We value honesty, integrity, commitment, engagement and achievement. We are committed to the principles of equality, and to dignity and mutual respect for all members of Forus Training's community.

As a consequence, all members of Forus Training's community are expected to act responsibly at all times; to observe and abide by the policies and procedures of Forus Training and not to engage in any activity which might bring the good name of the organisation into disrepute.

### LEARNER CONDUCT WITH REFERENCE TO PROGRAMMES

Learner autonomy is when learners take control and responsibility for their own learning, both in terms of what they learn and how they learn it. It takes as its starting point the idea that learners are capable of self-direction and are able to develop an independent, proactive approach to their studies. Learners are required to demonstrate responsibility in their learning journey.

Learners are required to attend punctually, a minimum of 80% of the sessions of the events for which they have registered and to which they have been assigned.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

Learners may experience a range of serious and unanticipated difficulties which adversely affect their ability to study, complete assessments or attend their required class sessions and other learning activities. Normally such circumstances will include serious illness, hospitalisation, accident, family bereavement or other serious personal or emotional circumstances. Forus Training has a policy and procedure to consider such extenuating circumstances in relation to assessment deadlines.

### Assessment Deadlines

1. Assessment deadlines are planned in advance of assessment and adhere to the assessment plan for the programme or module.
2. Learners are made aware of assessment deadlines including submission dates for assessment evidence and dates of practical assessments (e.g. examination, skills demonstration, etc.) prior to, or as soon as is feasibly possible, in the programme or module induction.
3. Forus Training publishes "[P9 S9 Key Dates and Information - Assessment and Certification](#)" - for certification periods annually, these are available on our website and on learner and trainer induction material.
4. These assessment deadlines allow the learner adequate time in which to fully complete the assessment tasks.
5. A missed assessment deadline term "missed assessment deadline" refers to:
  - Failure to submit assessment evidence on, or in advance of agreed assessment deadline and/or
  - Failure to attend a practical assessment (e.g. Examination, Skills Demonstration, etc.)
 Missed assessment deadlines can be categorised as "Expected" or "Unexpected"

### Expected missed assessment deadline

1. The learner completes [P9 S11 Student Application for Extension](#).
2. The learner's application is considered, and the Head of Certification will get in touch with the learner regarding the decision whether compassionate consideration has been granted as soon as possible and not later than five working days.
3. Forus Training judges each application for compassionate consideration or extenuating circumstances on its own merits.
4. The purpose of this application form is to facilitate you in extending a deadline for an assessment on the basis of exceptional circumstances.
5. It is the responsibility of the learner to ensure the application form is submitted to Forus Training prior to the submission deadline. If you, the learner, are unsure as to whether you meet the criteria please apply in plenty of time as an extension may not be granted.
6. PLEASE NOTE: Forus Training adheres to a strict deadline policy. Applications for extensions received after the submission deadline will not be accepted. We accept the post-stamped date as the submission date if submitting via post.

### Unexpected missed assessment deadline

1. In the case of late submissions where an extension has not been granted prior to the submission deadline:
  - a. A penalty fee of €100 must be paid to Forus Training or the learner's assessment will not be accepted and processed;
  - b. The learner must complete a Late Submission of Assessment Application Form; and
  - c. The certification process will be delayed until the next certification period – this is entirely at the discretion of the Head of Certification.

Should any learner, during sessions of the event, or while on programme related visits to other organisations as part of their training or work placement, be responsible for any breach of good conduct or discipline, or fail to obey instructions from any member of staff / trainer, or breach any regulations, such a member of staff / trainer may require the learner to withdraw from the particular event or session or other learning activity; the staff

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

member / trainer, if they shall think fit, may bring the matter to the notice of the **Head of Certification** or his/her nominee for appropriate action to be taken.

### LEARNER CONDUCT ON WORK PLACEMENTS

Where learners, as part of their course, obtain professional instruction or are placed for training or work experience at a school, hospital, farm, company, professional practice or other workplace / organization (referred to as "the host organisation"), they should be aware of all relevant Forus Training policies (outlined in the [P9 S9 C12 Work Experience Arrangements Form](#)).

Learners registered to such programmes should observe the following code of conduct:

1. Learners should conduct themselves in such a way as to reflect credit on the Host Organisation, Forus Training and its learners and not to bring Forus Training or the host organisation into disrepute.
2. Learners should respect the staff, trainers and the property and the activities of the host organisation as they would the staff, the property and the activities of Forus Training. Conduct which would constitute a breach of this code if directed towards the staff, property or activities of Forus Training shall be considered a breach of the code if directed towards the staff, property or activities of the host organisation. This shall apply in relation to damage to the host organisation's property as if it were the property of Forus Training.
3. Learners should acquaint themselves with any traditions, codes of conduct or internal regulations of the host organisation and should comply with such traditions, regulations or codes of conduct.
  - a. Learners should, if eligible, apply for membership of any professional body relating to the profession for which they are studying, and should conduct themselves within the general ethics of the profession and comply with any professional guidelines so far as they are applicable to learners.
  - b. Learners should comply with the reasonable and lawful instruction of their supervisors.
  - c. Learners should comply with any disciplinary procedures or processes of the host organisation or of the profession for which they are studying and shall be liable to any penalty which may be imposed following due process.
  - d. For the purpose of enforcing this code, Forus Training shall be entitled, but shall not be obliged, to investigate any complaint against a learner arising from any alleged misconduct while on placement or any alleged failure to comply with a host organisation's traditions, regulations or codes of conduct and, following the appropriate disciplinary procedures, Forus Training may impose a penalty in respect of such misconduct or failure to comply with a host organisation's traditions, regulations or code of conduct as a breach of the learner Code.

See further - [P9 S9 C12 Work Experience Arrangements Form](#)

### DAMAGE TO PROPERTY

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

Learners are required to make good to the satisfaction of Forus Training any damage or loss which they intentionally cause to any property of Forus Training or for any such loss or damage which arises as a result of their being reckless or negligent. Learners are similarly required to make good any damage or loss which they cause to the personal property of any other learner or member of staff.

### BREACHES OF DISCIPLINE

Any act or omission, which affects adversely the rights of any other member of Forus Training's community, or which disrupts the orderly and responsible conduct of any Forus Training activity, or which violates any Forus Training Policies, shall constitute a breach of discipline, examples of which could include but are not limited to:

### BREACHES OF EXAMINATION RULES:

#### Examination Rules for learners

#### Examination Rules for Learners – Provided in advance of each examination

1. Learners may not be allowed to leave examination centres and return during examination periods unless the invigilator is satisfied that the candidates need to leave is genuine and the integrity of the exam is not compromised.
2. A learner should raise a hand to attract the attention of the invigilator during the examination.
3. Learners are not permitted to talk during the examination.
4. Learners are not permitted to view another learner's work.
5. Learners are not permitted to have any materials with the exception of those necessary for the examination on their desk e.g. writing material, calculator, reference material in case of open book exam.
6. Learners will be required to sit a distance of no less than 1.5 meters away from each other.
7. Learners are required to submit to their exam paper in the time allocated and no later unless grounds for reasonable accommodation have been granted to that learner.
8. Learners are asked to leave the room quietly if they have completed their exam paper early.
9. Learners must complete and sign the learner declaration within their assessment brief and submit to the invigilator along with their exam paper.
10. Learners may be expelled from the examination centre if their behaviour, in the opinion of the invigilator is such as to jeopardize the successful conduct or integrity of the assessment.

#### Here are examples of what is meant by malpractice: - not intended to be an exhaustive list

1. Copying from another learner in assessment situations.
2. Collusion by working with other learners beyond what is allowed for example speaking to other learners during an examination.
3. Submitting an assignment or project where a large section of this work is the same as another learner from the same module (referred to as collusion).
4. Removal of assessment material from the assessment location without permission for example taking examination papers from the examination event.
5. Using electronic communication devices or other materials that are not permitted during the assessment for example we do not allow mobile phones to be used in examination scenarios.
6. Assisting other learners during assessment commonly known as cheating.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

7. When a learner makes up, or fabricates results or evidence.
8. Behaving in such a way as to undermine the integrity of the assessment event, for example talking loudly being disruptive during a test or examination.
9. Pretending to be somebody else commonly known as impersonation or producing work for another learner or carrying out an assessment on another learner's behalf.
10. Engaging in unsafe practices during a test, such as not following health and safety rules.

### ENGAGING IN PLAGIARISM:

Plagiarism is defined as the copying of another person's writings or works or ideas in any thesis, essay, project, laboratory report, oral, poster or slide presentation or other exercise, which forms part of the assessment requirement for a module or programme of study without due acknowledgement either wholly or in part of the original source of the material through appropriate citation. For further details on plagiarism, please see Forus Training's [P9 S8 Malpractice and Plagiarism Policy](#).

1. Copying, pasting or representation of another person's work as your own (This may be from a book or the Internet, from class notes or can also be from another person's assessment material).
2. Any percentage of work that has not been referenced and has been copied from published work, the internet, other learners' work and/or other sources.
3. Procuring work from a company or external source including the internet.
4. Copying work from any source or medium without reference (i.e. website, book, journal article, etc.).
5. Taking a passage of text, or an idea, and summarising it without acknowledging the original source.
6. Passing off collaborative work as one's own and not recognising the contributions of others.
7. Piecing together sections of others' work into a new whole.
8. Submitting another learner's work with or without their knowledge,
9. Accepting unwarranted support from others (e.g. parents, professionals) in preparing continuous assessment elements which are submitted as one's own work is a form of plagiarism.

The submission of such plagiarised materials for assessment purposes is fraudulent and all suspected cases will be investigated and dealt with appropriately using the procedures outlined in this document.

### CONDUCT WHICH IS DISRUPTIVE OF, OR WHICH MAY DISRUPT TEACHING AND/OR STUDY.

1. Abuse of alcohol or other substances during class attendance.
2. Conduct interfering with the proper conduct of examinations.
3. Conduct which is likely to interfere with any meeting or other activity, within Forus Training or organised by Forus Training.
4. Conduct that interferes, or is likely to interfere, with the administration or the good order of Forus Training.
5. Obstruction or harassment, including bullying, of any learner, member of staff or persons carrying out activities on behalf of Forus Training in the performance of duties, work or other Forus Training activity.
6. Sexual harassment of any learner or member of the staff of Forus Training.
7. Damaging, defacing, stealing or mis-appropriating any property of Forus Training, occupying or using such property other than in accordance with the provisions made by Forus Training.
8. Misuse of a learner card, or impersonation or activities involving false pretenses or dishonesty.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

9. Misuse of official Forus Training documentation, including, without limitation, the unauthorised amendment or alteration, or defacement of, such documentation, or the use or attempted use of Forus Training's documentation for fraudulent or other dishonest purposes or in a fraudulent or other dishonest manner.
10. Commenting about a learner / trainer on a forum to which the person does not have a right to reply. For example WhatsApp group, Facebook, SnapChat or other media platforms.
11. Smoking in Forus Training buildings in contravention of the Public Health Tobacco Act 2002, Section 47 (as amended) and the Tobacco Smoking (Prohibition) Regulations 2003. Under the provisions of that legislation a fine of €3,000 may be imposed on a learner found in breach of its provisions.

### SOCIAL MEDIA

Learners must at all times use social media sites in a responsible manner, having due regard to the rights and reputation of the College and of others. In particular, Learners are required to comply with the following rules:

1. Do not use social media sites for any purpose which is prohibited under the terms of Forus Training's P4 S1 ICT Policy.
2. Do not use social media so as to contravene or breach the laws of Ireland, specifically in relation to: privacy rights, defamation law and data protection law. This includes posting recordings or images of other learners / trainers without written consent.
3. Do not use social media sites to engage in any form of bullying or behaviour which is illegal or likely to cause harassment (e.g. stalking, grooming of minors, etc.), or to intentionally offend and/or degrade others, in particular fellow learners and staff.
4. Do not use social media to degrade, bully or intentionally offend Staff, other learners or users or use these tools to bring the reputation of Forus Training into disrepute. Please refer to Forus Training's Social Media Policy for more details.
5. Do not excessively duplicate previously posted communications (other users may consider this as spam).
6. Do not impersonate any other person nor engage in trolling (i.e. intentionally insulting and harassing people via the Internet).
7. Do not post, video or record another person without their express permission.
8. Do not post or upload data, including text, video, image etc. of any person without their express permission.
9. Do not post any material which breaches the intellectual property rights of third parties (e.g. logos, written works, diagrams, pictures, music, video/film clips, etc.); where necessary the express permission of the rights holder should be obtained.
10. When posting as individuals, learners are asked to consider that it may be appropriate for them to identify any personal views expressed by them on third party websites as their own and not representing Forus Training.
11. While recognising the importance of academic freedom, learners must ensure that they adhere to Forus Training policy.
12. Do not post material which is confidential and proprietary to Forus Training or which could have the effect of damaging the reputation of Forus Training or the privacy or reputation of any third party.
13. Do not post material which would identify a third party (e.g. comments, photographs, video clips etc.) without the express permission of the third party concerned.
14. Ensure that information posted is accurate and not misleading.
15. Do not post material for the purpose of embarrassing people or which will bring that person or Forus Training into disrepute.
16. Do not use the name of Forus Training, including any emblems or logos, to promote their own commercial objectives or activities.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

17. Do not use the name of Forus Training, including any emblems or logos to imply that Forus Training endorses an activity without its prior written consent.

### PROCEDURE IN RELATION TO BREACHES OF DISCIPLINE

1. Where a complaint of misconduct or alleged breach of this code by a learner has been brought before the Head of Certification, the Head of Certification will take steps as soon as is practicable to arrange a meeting (i.e., a preliminary hearing) with the learner and will provide in advance details of the alleged offence in the form of a [P9 S6 Potential Improvement Notice \(PIN\) Learner Form](#).
2. Where it proves impracticable, in exceptional circumstances, for the Head of Certification or his/her nominee to arrange a meeting with the learner, the Head of Certification or nominee may communicate with the learner by telephone, email or by registered letter.
3. The learner may, prior to or during the meeting with the Head of Certification or his/her nominee, request that the matter be referred to a Disciplinary Sub Committee for adjudication. Where it is impracticable to arrange such a meeting, the learner may request that the matter be so referred at any time following receipt of communication from the Head of Certification or his/her nominee.
4. Any learner who is resident outside of Ireland may request the Head of Certification or his/her nominee to arrange a non-oral hearing of the Disciplinary Committee if the learner wishes to circumvent the necessity of travelling to Dublin to attend an oral hearing. Where the Head of Certification or his/her nominee decides to grant such a request, a Disciplinary Committee will be convened to consider the allegation(s) against the learner on the basis of written submissions from the Head of Certification or his/her nominee, the complainant, the learner and other relevant parties. The learner and the complainant will be given an opportunity to respond to the other's submission before the Committee meets.
5. Where an alleged breach of discipline appears to involve two or more learners, such learners may be jointly indicated and heard together.
6. Where an alleged breach of discipline may, in the reasonable opinion of Forus Training, constitute a criminal offence, Forus Training will respond and act in accordance with law, which may include an obligation to report the suspected offence to An Garda Síochána. Any such report may be in addition to the implementation of the disciplinary procedures set out in this Code.
7. The proceedings and details of learner disciplinary cases are private and confidential and where learner disciplinary data is reported to P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) the identity of learners is not revealed. However, it is noted that this does not preclude Forus Training communicating the decisions taken at preliminary hearing; the decisions of the Disciplinary Sub-Committee or the decisions of the [Disciplinary Appeals Committee](#) to individual members of staff, including those raising complaints, where it is deemed necessary for the effective administration of the process. To be clear, the principles of natural justice are enshrined in the learner Code and are applicable to both respondent and the complainant.



## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

8. Where a complaint of bullying, harassment or sexual harassment (a potential breach of discipline under paragraphs 6.10 or 6.14) is made against a learner, the Head of Certification or nominee may direct that the complaint be dealt with under Forus Training's Dignity and Respect policy and the procedures thereunder.

[P9 S13 Complaints Policy & Procedure](#)

[P2 S2 C2 Dignity and Respect Policy](#)

### PROCEDURE OF THE PRELIMINARY HEARING

#### PRE-HEARING

The Head of Certification or his/her nominee shall notify the learner, in writing in the form of a [P9 S6 Potential Improvement Notice \(PIN\) Learner Form](#), of the allegation that has been made against them. The learner shall be invited by the Head of Certification or his/her nominee to attend a preliminary hearing to address the allegation. Notification shall be sent by email.

The learner must respond to the notification and make an appointment with the Head of Certification or his/her nominee as soon as is practicable. Failure to respond to the Head of Certification or his/her nominee's request to make an appointment will constitute a disciplinary offence, and may result in the matter being referred directly to an P1 C2 Ad-hoc Disciplinary SubCommittee for adjudication.

#### PRELIMINARY HEARING PROCEDURE

The function of a preliminary hearing is to permit the Head of Certification or his/her nominee to consider the case, interact with the learner and form an opinion on the seriousness of the case. The process is learner-centred and based on natural justice. To be clear, the case may be concluded at the preliminary hearing stage or referred to a Disciplinary Committee. It is a matter for the Head of Certification or his or her nominee to make a determination in this regard.

Before commencement of the preliminary hearing, the Head of Certification or his/her nominee shall notify the learner that they are being interviewed under the conditions laid out in Forus Training's learner code. The Head of Certification or his/her nominee shall also explain that it is the learner's right to refer the matter directly to an P1 C2 Ad-hoc Disciplinary SubCommittee for adjudication at any stage during the interview.

The Head of Certification or his/her nominee must confirm that the learner understands the process and is willing to continue. Learners may be accompanied to the meeting by a person of their choice such as a learner representative or relative.

The Head of Certification or his/her nominee will outline the allegation made against the learner and ask them to accept or reject the accusation and offer to consider whatever submission they see fit to make in regard to the charge.

The Head of Certification or his/her nominee may, following this meeting or communication:

- Dismiss the complaint with no further action.



## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

- Conclude the process, subject to certain conditions to remedy their behaviour, such as the writing of a satisfactory letter of apology.
- Uphold the alleged breach, subject to one or more of the following sanctions;
  - Issue a formal caution via a letter of warning to the learner regarding their future behaviour. The Head of Certification or his/her nominee may refer to the matter should any further allegations be made against the learner.
  - Refer the matter to an P1 C2 Ad-hoc Disciplinary Sub-Committee, without making any decision as to guilt, where the Head of Certification or his/her nominee considers ( having appropriate regard to the gravity or nature of the charge) , where the gravity of the matter warrants it, the Head of Certification or his/her nominee may impose, without prejudice, a temporary suspension of the learner from Forus Training and/or may postpone the award to the learner of a component, major or special purpose or other academic award and shall in such a case ensure that the P1 C2 Ad-hoc Disciplinary Sub-Committee is convened without delay.
  - Where an allegation of harassment has been made the Head of Certification or his/her nominee may decide it is appropriate to recommend the exploration of mediation.

The Head of Certification or his/her nominee may defer the communication of the outcome to the learner where a submission made by the learner requires further investigation.

The outcome of the preliminary hearing shall be given in writing to the learner. The learner shall be informed of their right to appeal a decision to a Disciplinary Committee, the procedure for lodging an appeal and the time limit for lodging an appeal. Appeals may be lodged within two weeks from the date of the preliminary hearing.

Where the matter is resolved at the preliminary hearing stage of the process, the Head of Certification or his/her nominee shall write to the person who raised the complaint advising them that the matter has been dealt with under the procedures of the preliminary hearing and related outcome noted.

### DISCIPLINARY COMMITTEE

The P1 C2a Ad-hoc Disciplinary Sub Committee shall be appointed by the Head of Certification or his/her nominee and composed of a Chair and two further members (these two members shall be xxx). Each Committee of Discipline shall have at least one male and one female member. The following are eligible to Chair Committees of Discipline: Deputy Head of Certification, Chairs of Programme Boards and any members of a Panel nominated by P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC).

A member of the administrative staff shall be appointed as a non-voting secretary of the Committee.

Decisions of the Committee shall be taken by a simple majority.

- A record, written or otherwise, of the proceedings shall be made.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

### PROCEDURES OF THE DISCIPLINARY COMMITTEE

#### PRE-HEARING

- The Head of Certification or his/her nominee shall prepare a summary containing particulars of the alleged offence and shall forward the summary to the Disciplinary Committee,
- The Committee shall cause notice of the hearing to be sent by email to the learner at least ten days before the date of the hearing or to be handed personally to the said learner,
- The written notice referred to in paragraph 10.1.2 shall contain,
  - A copy of the summary compiled by the Head of Certification or his/her nominee,
  - A note of any documents on which Forus Training proposes to rely at the hearing,
  - The notice shall state that the respondent learner is entitled within reason to call the attendance of witnesses for the purpose of the hearing, to inspect all relevant documents and to obtain copies of any documents listed in the notice upon which Forus Training intends to rely,
  - Notice shall also state that the learner may be represented/supported at the hearing by a person of the learner's choice, , a learner representative / family member or, if wished.
- If availed of, the learner is required to confirm the details of their chosen representative in advance of proceedings,
- The learner shall be informed that written submissions may be made to the Disciplinary Committee in advance of the hearing.

#### DISCIPLINARY SUB- COMMITTEE PROCEDURE

The following procedure shall be followed by the Disciplinary Committee:

The Head of Certification or his/her nominee shall present the case to the Committee.

- The learner shall be asked to admit or deny the alleged offence.
- If the learner accepts the substance of the charge or complaint to be true, it shall not be necessary for the Head of Certification or Head of Certification's representative to offer evidence, although both parties may make such submissions or addresses as they wish in relation to the outcome.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

- If the learner denies the alleged charge, the subsequent procedure shall be fair and reasonable having regard to the nature of the offence and the outcomes laid down in these documents. In particular the following practices shall be observed:
  - All the evidence shall be heard in the presence of the learner and of the learner's representative and they shall be given the opportunity to question all witnesses called by the Head of Certification or Head of Certification's representative who likewise may question witnesses called by the learner,
  - The learner shall be given the opportunity of offering evidence themselves and witnesses and documentation relevant to the issues,
  - The Head of Certification or Head of Certification's representative and the learner or learner's representative(s) shall be given the opportunity to make submissions after evidence has been taken including representations in regard to the outcome where the Disciplinary Subcommittee has found that the charge has been proved against the learner,
  - The Committee shall deliberate in the absence of the complainant, respondent learner and/or representatives but shall be entitled to seek legal advice on any legal matter arising in the course of the proceedings.
- Where a learner fails to attend a Disciplinary Committee hearing and Forus Training has made reasonable attempts to accommodate the learner, the Committee may decide to adjudicate on the matter in the learner's absence, relying on the documentation furnished to the learner and to the Discipline Committee according to Section 10.1.3 of these Disciplinary Procedures.

### DISCIPLINARY SUB COMMITTEE OUTCOMES

Where a learner is found guilty of the offence or offences charged, the Committee is empowered to impose any of the following outcomes, either separately or in combination as appropriate to the offence, or nature of the offence:

- Exclusion from Forus Training course.
- Suspension from the course for a stated period, or until such time as any requirements laid down by the Committee such as payment of a fine or the restitution of damage or loss are fulfilled.
- Exclusion from specific Forus Training facilities.
- A reprimand and a note on the learner's record.
- In the case of an offence of plagiarism or of copying, cheating or other offence in connection with an examination, exclusion from the examination in question and deprivation from any benefits connected therewith, in part or in total, and/or from the academic course being followed by the learner or any part of it.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

- An order for the reparation of any damage or loss caused, either to Forus Training or to any of its members of staff or learners or members of the public.
- Deprivation of an award or certificate.

The Committee may in exceptional cases, having regard to all the circumstances of the case, decide not to impose any penalty.

### COMMUNICATION OF DECISION

The determination of the an P1 C2 Ad-hoc Disciplinary Sub Committee in every case brought before it, shall be given in writing, and a copy thereof forwarded in due course to the learner concerned or the learner's duly appointed representative. The learner should be informed of the right to appeal to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC), the procedure for lodging an appeal and the time limit for lodging an appeal. Decisions of an P1 C2 Ad-hoc Disciplinary Sub Committee are sent for noting by P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) in an annual report. A determination involving deprivation of a scholarship or other prize shall be referred to the decision of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC).

The Head of Certification or his/her nominee shall write to the person who raised the complaint and advise them of the decision of the P1 C2 Ad-hoc Disciplinary Sub Committee, noting that the learner has the right to appeal the decision.

### APPEAL

An appeal may be made to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) within two weeks from the date of issue of the decision of the an P1 C2 Ad-hoc Disciplinary SubCommittee and the applicant shall submit in writing the grounds for appeal. The date of issue of the said decision shall be the date on which the decision is emailed and posted (by registered post to the learner's address as appears on Forus Training's learner information system), or handed to the learner.

### DISCIPLINARY APPEAL COMMITTEE

- The Quality Assurance & Academic Governance Council (QAAGC) delegates to the Disciplinary Appeal Committee the power to hear appeals from decisions of the Disciplinary Committee of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC). The Disciplinary Appeal Committee shall be composed of an uneven number of members of the Quality Assurance & Academic Governance Council (QAAGC).
  - o A member of the administrative staff may be appointed as a non-voting secretary to the Disciplinary Appeal Committee,
  - o No member of the Disciplinary Committee or person providing administrative support) who had adjudicated on the original complaint may serve on the Disciplinary Appeal Committee,
  - o Decisions of the Disciplinary Appeal Committee shall be taken by a simple majority,
  - o A record, written or otherwise, of the proceedings shall be made.

## P2 S2 C3 Learner Code of Conduct

Version 1 – Publication Date 04/02/2020 – Review Date 04/02/2022

### PROCEDURES OF DISCIPLINARY APPEAL COMMITTEE

- A copy of the applicant's grounds of appeal including the appellant's submission, if any, shall be provided to the Committee.
- A copy of the relevant record of the Disciplinary Committee of the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) shall be obtained from the said Disciplinary Committee.
- The applicants or applicant's representative, and the Head of Certification or other Forus Training representative may make oral submissions to the Disciplinary Appeal Committee.
- Where in the opinion of the Disciplinary Appeal Committee the requirements of justice so dictate, the Committee may consider evidence which was not tendered at the hearing before the Disciplinary Committee but provided always that the intention to adduce such fresh evidence has been notified to the learner or to the Head of Certification or other Forus Training representative, as the case may be, in time sufficient to enable the learner or the Head of Certification or other Forus Training representative to consider properly the said fresh evidence and to deal therewith adequately at the hearing of the appeal.
- The Disciplinary Appeal Committee may:
  - o allow the appeal;
  - o decrease or increase the penalty, or vary the nature of the penalty;
  - o reject the appeal.

### COMMUNICATION OF DECISION

The Disciplinary Appeals Committee's decision on the appeal shall be final and no further representations may be made by the learner in relation to the case. The Disciplinary Appeals Committee shall inform the learner of the reasons for its decision on the appeal.

The determination of the Disciplinary Appeal Committee shall be given in writing and a copy forwarded to the learner concerned by prepaid registered post to the learner's address.

Determinations of the Disciplinary Appeal Committee shall be reported for noting to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC) and data on appeals will included in the annual report to the P1 S4 C1 Quality Assurance & Academic Governance Council (QAAGC). The Chair of Disciplinary Appeal Committee shall write to the person who raised the complaint and advise them of the decision of the Disciplinary Appeal Committee.