

UKCOSA/AISA Code of Ethics



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UKCOSA
The Council
for International
Education

Commentary on the Code

Introduction

Since its publication in 2000, the UKCOSA/AISA Code of Ethics has been warmly welcomed as a guide for all those finding themselves advising international students, whether or not they have the word adviser in their job title. It has been formally adopted by some institutions and is in use in a great many more as an informal guide. Acceptance of the Code is now a condition of membership of AISA.

This commentary is being offered by the UKCOSA/AISA Ethics Committee as a guide to aspects of the code intended particularly for those new to working with international students and for those working with international students in smaller institutions who may have fewer established policies and procedures in relevant areas than do larger institutions or those with longer experience of working in an international context.

General

1. Although the term "student" is used throughout the code, as representing the adviser's main client group, the code and this commentary apply equally to anyone else the adviser accepts as a client, such as a student's spouse or dependant, a former student or an academic visitor.

represent the interests of the student to the university authorities without creating a potential conflict of interest, whereas such a role may involve no conflict of interest for an adviser from a students' union.
2. Those involved in giving immigration advice are regulated by, and are subject to the statutory Code of Standards published by, the Office of the Immigration Services Commissioner (the OISC Code). Each code is fully compatible with the other, but some of the requirements of the OISC Code are more detailed and precise, so those involved in giving immigration advice should study it carefully.
3. Advisers in different situations may be affected by the code in different ways. For example, there may be circumstances where an adviser employed by a university cannot properly

4. The code applies to the behaviour of the adviser. But it assumes honesty and appropriate behaviour on the part of the student. Advisers are free to refuse advice where a student is behaving inappropriately - for example being drunk, violent or abusive - or clearly withholding information without which meaningful advice cannot be given. The institution may have a code or charter which spells out what is expected of the student in various circumstances or you may want to write your own for users of the advice service.

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<p>1. Those advising international students have a general responsibility to:</p> <p>a) maintain high standards of professional conduct by actively upholding this code at all times</p> <p>b) act in the best interests of the student, while respecting institutional policies, statutory and legal requirements and the legitimate interests of sponsors</p>	<ul style="list-style-type: none"> • Acting in the best interests of the student may not be the same as doing what the student wants • Anyone advising international students has a duty to be familiar with the formal policies that apply to the student and to the adviser. These may be policies about harassment, appropriate behaviour by students, academic appeals, payment of fees • statutory and legal requirements include data protection legislation and the statutory provisions governing the provision of immigration advice stemming from the Immigration and Asylum Act 1999 (see paragraph 2 under General above) • If the student has sponsors, the institution and the student may have contractual obligations to the sponsor which have to be respected, regardless of the immediate wishes of the student

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<p>c) recognise the power of influence that comes with their role as adviser and ensure that it is not used inappropriately</p>	<ul style="list-style-type: none"> • some students may see the adviser as an authority figure and be easily swayed by advice given. In these circumstances it is doubly important to ensure that advice addresses the best interests of the student and not the convenience of the institution.
<p>d) be alert to ethical dilemmas and potential conflicts of interest and seek guidance when they arise</p>	<ul style="list-style-type: none"> • there may be circumstances in which an adviser employed by an institution can only ensure that the student understands the policies of that institution and, if they have adverse effects for the student, is informed about where to go for advice from a source independent of the institution • if an ethical dilemma cannot be resolved in consultation with your line manager, colleagues or mentor, advice can always be sought from the UKCOSA/AISA Ethics Committee, as described in the preamble to the Code • on conflicts of interest, see also 2e) and 4e) below
<p>e) share professional knowledge and skills and contribute to the professional development of colleagues</p>	
<p>2. In discharging their professional functions, those advising international students shall:</p>	
<p>a) accurately represent their areas of competence, education, training and experience</p>	
<p>b) recognise the boundaries of their qualifications and competence, making appropriate referrals when situations fall outside them</p>	<ul style="list-style-type: none"> • make sure you know what you know and what you don't know, and which colleagues specialise in specific areas, such as fees, housing or immigration. You should also know what your employer's policy is on referring students to local solicitors or law centres or on seeking a second opinion from them (be aware of the need for student consent if seeking a second opinion will involve revealing the student's identity) • see also 4 c) below
<p>c) actively seek to promote their professional development and keep themselves informed of current developments in their fields</p>	
<p>d) in particular, keep themselves informed, as may be relevant to their areas of advice, of developments in statutory and case law, regulations, immigration rules and procedures, institutional policies and other codes</p>	
<p>e) work to ensure that there are arrangements in place that will secure objective advice for students from another source where conflicts of interest may arise [see also 4.e) below].</p>	<ul style="list-style-type: none"> • you may not be able to give objective advice, for example if a student wants to complain about a friend or colleague of yours or if you are asked to advise both parties to a dispute • some advisers have arrangements with advisers in other departments or institutions to take referrals in cases like this
<p>3. In their dealings with students and colleagues, those advising international students shall:</p>	
<p>a) act in good faith and with fairness, consideration and objectivity</p>	
<p>b) recognise their own cultural and value orientations and be aware of how those orientations affect their interactions with people from other cultures</p>	<ul style="list-style-type: none"> • most advisers will benefit from training in cross cultural awareness. We all bring a baggage of prejudices of various sorts to our interactions with others. Training can help one to stand outside one's personal reactions and develop self awareness and an appropriate professional standpoint
<p>c) be aware of, and show appropriate sensitivity to and respect for, other cultures and value systems</p>	<ul style="list-style-type: none"> • the key word here is "appropriate". This paragraph does not mean that any behaviour can be justified by reference to the culture of those involved. One would not use a reference to British culture as an argument for ignoring football hooliganism, for example. Some client behaviour will simply be unacceptable.

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<p>d) not discriminate, or tolerate discrimination on the part of others, on the basis of ethnic or national origins, gender, sexual orientation, religion, disability or age</p>	
<p>e) refrain from unjustified or unseemly criticism of other advisers or other institutions and seek to resolve any conflict of advice directly with the other adviser concerned in a professional manner</p>	
<p>f) maintain the confidentiality and integrity of information about students and of communications with students, complying with data protection law and any policy of the adviser's employing organisation on confidentiality and record keeping. Ensure that information about any circumstances in which information may be disclosed without prior authorisation is available to students</p>	<ul style="list-style-type: none"> • a code of ethics cannot spell out the detail of a confidentiality policy. The adviser or the institution must have such a policy, which must be available to the student. The adviser must be aware of it and remind the student of it when appropriate • every institution needs its own policy, but an example of a policy is attached • note that confidentiality does not normally mean confidentiality between you as an individual adviser and the student. Your policy should make clear that there is a "circle of confidentiality" within the advisory service or relevant office and that information will only be disclosed outside that circle as provided for in the policy
<p>g) do nothing to support or encourage illegal actions.</p>	<ul style="list-style-type: none"> • this paragraph is not intended to turn the adviser into a law enforcer. It is not a license to tell tales. If a student is in breach of his or her immigration conditions, for example, the duty of the adviser is only to ensure that the student understands his or her situation and, if requested, to help the student to regularise it • equally, this paragraph does not affect your duty to try to ensure that a student is appropriately treated within the law or to challenge an interpretation of the law on behalf of the student if you think it appropriate to do so • but if you have reason to believe a student is lying to you - for example about their financial means - you may not be able to continue to advise
<p>4 In their dealings with students, those advising international students shall:</p>	
<p>a) be clear to all parties about their role as an adviser and limit advice to matters consistent with that role</p>	<ul style="list-style-type: none"> • an adviser advises an individual student, or in some cases a group of students who seek advice jointly (e.g. on a housing issue). Being an adviser is not the same as being a mediator. A mediator is someone whom the parties to a dispute - e.g. two students, or a student and a landlord - would jointly agree to invite to act impartially to help them resolve the dispute • if your job description includes mediation, make sure you have received appropriate training and are able to discharge the role • mediation services may be available locally • if a student asks you for help in resolving a dispute you may as an adviser be able to accompany a student to a meeting to take notes or to act as a cultural interpreter
<p>b) provide students with information they need to make informed choices or decisions and not withhold relevant information</p>	<ul style="list-style-type: none"> • if advising on progression to university, for example, it would be unethical to withhold the fact that some universities under consideration paid your college a commission for students received and others did not
<p>c) be aware of the difference between information, advice and counselling and be able to recommend qualified counselling assistance to students who may benefit from it</p>	<ul style="list-style-type: none"> • students who present with e.g. a housing or immigration problem on which you are competent to advise may also have personal problems which might benefit from counselling. Even if you are a counsellor, do not turn an advice session into a counselling session, but let the student know that a counselling service is available if they want to use it • the above does not mean that if you are competent to do so you should not use counselling techniques if appropriate - eg. in the way you interview a student in distress - in order to help you to advise them

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<p>d) not advise a student where there is any conflict of interest <i>[see also 2.e) above]</i></p>	
<p>e) be aware of circumstances in which the adviser as an individual may not be able to be certain of giving objective advice or of being thought to be objective and be prepared to secure such advice for the student by appropriate referrals</p>	<ul style="list-style-type: none"> • see comment on 2 e) above
<p>f) refrain from becoming involved in personal relations with individual students when such relationships might result in either the appearance or the fact of undue influence being exercised upon the discharge of professional responsibilities</p>	<ul style="list-style-type: none"> • most institutions will have specific rules about sexual relationships between staff and students, of which you should be aware • but other close personal relationships with particular students may also put an adviser at risk of accusations of partiality • remember that a professional friendliness of manner when mixing with students socially can be mistaken for more by those who do not understand the professional context in which you work
<p>g) accept only gifts (including hospitality) of nominal value and only where they do not seem intended to influence the manner in which professional responsibilities are exercised, while remaining sensitive to the varying significance of gifts in different cultures. Comply with any institutional policy on the acceptance or recording of gifts. Seek guidance from a more senior manager in any circumstance where it may seem appropriate to accept a gift of more than nominal value.</p>	
<p>h) ensure that students are fully advised of the procedures for them to follow to pursue complaints or to seek redress, or to defend themselves, and secure appropriate referrals where the adviser's role precludes support/representation for the student in any formal procedures.</p>	<ul style="list-style-type: none"> • in this context you need to look also at your own internal complaints policy within the advice service. It may be covered by a general institutional policy, but if not you should probably develop your own • there might be a conflict of interest, for example, if a student was in dispute with a landlord you had vetted for the institution's approved list

**UNIVERSITY OF BARSETSHIRE STUDENT ADVICE SERVICE
CONFIDENTIALITY POLICY**

The University is committed to providing a confidential advice service. All users of the service have the right to confidentiality to protect their interests. Assuring confidentiality is necessary to maintain the credibility of the service.

Subject to what follows, no information regarding an advice-service user (client) shall be given directly or indirectly to any third party who is not a member of the advice service staff, without that client's expressed consent to the disclosure of such information. No information will be given to any external agency without the client's express consent unless the provision of such information is required by law. The service manager or in her absence an adviser may, however, decide that information should be disclosed without consent if in their judgment there is risk of immediate physical danger to the client or others.

The University recognises that information may need to be shared when advice service staff discuss cases. Staff are expected to ensure that such discussions take place in an appropriate environment - and not normally outside the University, except when seeking additional advice from an external adviser.

The University is committed to the statistical recording of advice service use to enable it to monitor the demand for the service and to identify any practical or policy issues related to the advice services. It is the responsibility of the advice service staff to ensure that all statistical records given to third parties are produced in an anonymous form, so that individuals cannot be recognised.

It is the responsibility of the advice service staff to ensure that all individual case records are locked securely at the end of each working day. This includes note books, copies of correspondence and any other sources of information. It is also their responsibility to ensure that all computer records are held secure and appropriately protected.

If advice staff wish to contact or correspond with clients, they are responsible for confirming that it is acceptable to call or write to them at home or work in relation to their case. All staff must ensure they make no reference to the purpose of the call when making telephone contact through third parties. All details of expressed consent must be recorded on the case file.

**The ethics committee may be contacted through UKCOSA, by writing or emailing to Sarah Rimmington.
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