

# STUDENT COUNSELLOR CODE OF CONDUCT

*for HAN University of Applied Sciences*

<i>Subject</i>	<i>Student Counsellor Code of Conduct</i>
<i>Executive Board decision no.</i>	2020/1701
<i>Participation Council consent</i>	10-7-2020
<i>Adopted on</i>	10-7-2020

## Introduction

The objective of this code of conduct is to describe the professional activities of student counsellors and to thereby provide a set of guidelines for the performance of their work.

The position of student counsellor is based on article 7.34 paragraph 1 d of the Higher Education and Research Act (in Dutch: WHW). This provides that every student has a right to the services of a student counsellor. This code of conduct describes professional-ethical principles and rules of conduct. It also helps set out the rights of students in relation to student counsellors.

## Article 1 Terms and definitions

The following terms and definitions apply in this code of conduct:

<b>Executive Board</b>	the executive board of HAN.
<b>Counselling contact</b>	all contacts between student counsellors and students for the purpose of giving/receiving information, advice or support.
<b>Code of Conduct</b>	the present code of conduct for student counsellors.
<b>HAN</b>	HAN University of Applied Sciences.
<b>Student Support Center</b>	network of second-line supervisors. The student counsellors are part of Student Support Center.
<b>student</b>	the person who is enrolled or has been enrolled as a student at HAN in accordance with article 7.32 and what follows of the Higher Education and Research Act. This also covers external students, contract students and, as the occasion arises, prospective students and former students.
<b>student counsellor</b>	the person who has been appointed as student counsellor at HAN as referred to in article 9.13 paragraph 1 of the Higher Education and Research Act.
<b>WHW</b>	the Higher Education and Research Act (wet op het hoger onderwijs en wetenschappelijk onderzoek).

## Article 2 General provisions and basic principles

- 2.1 This code of conduct is applicable within HAN.
- 2.2 Every student counsellor who is employed by HAN must comply with this code of conduct in its entirety.
- 2.3 This code of conduct can be accessed digitally by students and other parties concerned. As a result, everyone can be aware of the existence of this code of conduct.
- 2.4 HAN has a student counselling service. The student counsellor specialises in laws and regulations in higher education (Higher Education and Research Act, Student Finance Act, social legislation and internal HAN regulations) and financial schemes, and plays an advisory role in conflicts, complaints, objections and appeals, and in cases of circumstances hindering or advancing students' studies.
- 2.5 The student counsellor performs their duties within the framework of statutory regulations and internal HAN regulations.

- 2.6 The student counsellor plays a signalling, advisory (solicited or unsolicited) and informing role within the educational organisation.
- 2.7 In principle, the student counsellor has an independent position within the organisation. The student counsellor focuses primarily on the interest of the student, on the understanding that when protecting this interest they are bound by the principles and objectives of HAN.
- 2.8 The student counsellor occupies a position of trust for the students, and handles the personal information provided by students in a strictly confidential manner.
- 2.9 The student counsellor makes a substantial contribution to study coaching at HAN. The HAN study coaching model makes a distinction between first-line and second-line counselling. First-line counselling concerns study coaching within education and second-line counselling concerns guidance of students by counsellors with specific expertise. The second-line counsellors work together under the name Student Support Center.
- 2.10 The student counsellor aims to safeguard the equality of rights of students taking different degree courses.
- 2.11 The student counsellor respects the private life and person of the student.
- 2.12 The student counsellor approaches and deals with each student on an equal basis.
- 2.13 Especially in the case of students in special circumstances, the support is focused on creating the conditions needed to be able to follow a suitable study programme, based on the vision that students should be given as many equal opportunities as possible, in keeping with their possibilities.
- 2.14 Under no circumstances whatsoever should the student counsellor abuse their position and expertise with regard to the student.
- 2.15 The student counsellor refrains from behaviour that could reasonably be expected to undermine the objectives of their position.
- 2.16 The student counsellor is not permitted to accept gifts from a student that exceed a relatively small value.
- 2.17 When performing their duties and engaging in direct contact with students (telephone contact and individual sessions), every student counsellor has access to a workspace or consultation room in order to safeguard confidentiality. The student counsellor also has access to sufficient lockable storage space.
- 2.18 The student counsellor tries to link the student's interests to the interests of the organisation in a balanced way. In relation to this, the student counsellor will not act as the student's representatives in legal proceedings, should such proceedings occur.
- 2.19 The student counsellor does not engage in any relationship with the student other than that ensuing from the counselling contact. If a different kind of relationship already exists with the student who wishes to enter into counselling contact, the student counsellor should in principle make a referral to another student counsellor, unless they and the student involved are of the opinion that there is no conflict of interests or mixing of roles, nor is this anticipated.

### **Article 3    Counselling contact**

- 3.1 The counselling contact is focused on supporting, informing and advising students who, as a result of special circumstances, are experiencing problems in the areas referred to in article 2.4.
- 3.2 The counselling contact must meet the requirements of professionalism, care and expertise that, under the given circumstances, can be expected of the student counsellor.
- 3.3 A student has the right, at any time, to make an appeal to a student counsellor, orally or in writing, with a request for information, advice, guidance or help. In principle, this should be the student counsellor whose portfolio includes the degree course in which the student is enrolled.
- 3.4 If the student believes there are reasons to have counselling contact with a student counsellor other than the counsellor appointed to them based on their degree course, they should submit a request for this, giving their reasons. Their request will be assessed by the student counsellor team.
- 3.5 The counselling contact is of a confidential nature.
- 3.6 The aim of the contact is to understand, clarify, help to solve or alleviate the student's problem. When necessary, a referral can be made to external bodies that provide the relevant service and assistance.
- 3.7 The student counsellor is obliged to respond within a reasonable period. If the student counsellor is unable to respond in a timely fashion, they are responsible for transferring the student to another student counsellor and informing the student of this at the same time.
- 3.8 In principle, the student is permitted to involve third parties in the counselling contact.

- 3.9 The student counsellor can exclude third parties if the counsellor believes their presence would hinder the clarification/reduction/alleviation of the problem.
- 3.10 The student counsellor will not enter into counselling contact with third parties without the student's express permission. The student counsellor exercises particular restraint in contact with the parents and other close relatives of the student.
- 3.11 The student has the right to discontinue the counselling contact at any time.
- 3.12 The student counsellor will not terminate the counselling contact without reason. Insofar as the reason lies in the student's behaviour, the student will be informed first.
- 3.13 If the student counsellor decides to break the contact, they should justify their decision to the student, if possible advise the student on what to do next, and possibly arrange for an adequate referral.

#### **Article 4 Privacy and confidentiality**

- 4.1 The student counsellor is bound to confidentiality with regard to what is disclosed to them while performing their duties. Furthermore, the student counsellor works within the frameworks provided by HAN's Privacy Regulations.
- 4.2 Confidential information about a student may only be disclosed to third parties (not being the other student counsellors) if and to the extent that the student has expressly agreed to this, and after the student has been informed of:
  - a. the purpose of disclosing the information;
  - b. the time and manner in which the information will be disclosed;
  - c. the content of the disclosed information; and
  - d. who the information will be disclosed to and/or who will subsequently know about it.The student's consent will be included in their file.
- 4.3 The student can withdraw their consent for the further disclosure of confidential information to third parties at any time.
- 4.4 In special situations (of imminent danger or imminent harm) in cases where the student has not given their consent for the disclosure of information to third parties outside the team of student counsellors, the student counsellor should break the confidentiality obligation if at least the following conditions are met:
  - a. the student counsellor has done what they could to get the student's consent;
  - b. maintaining confidentiality puts the student counsellor in a moral dilemma, in the sense that not breaking the bounds of confidentiality is likely to lead to demonstrable and serious harm and/or danger to third parties or the student themselves;
  - c. the student counsellor considers it likely that this harm may be prevented or limited by breaking confidentiality; and
  - d. the student involved will be informed as soon as possible about the breaking of confidentiality and the reasons for this.
- 4.5 If the student releases the student counsellor from the duty of confidentiality, the student counsellor is not obliged to break the bounds of confidentiality.
- 4.6 The duty of confidentiality remains in place after the termination of the counselling contact.
- 4.7 The student counsellor has the right, also when they do not have permission from the student involved, to discuss anonymised information concerning the student with third parties, provided this information exchange is done to optimise the counselling contact or increase the expertise of the student counsellor, and provided this information exchange does not threaten the student's privacy.

#### **Article 5 File management**

- 5.1 The student counsellor maintains a record of their contact with the student so they can adequately safeguard the progress and possible transfer of the contact, and if necessary, so they can account for the counselling contact.
- 5.2 The student counsellor includes these notes and other relevant information in the student's file. The file is organised and managed such that it ensures the confidentiality and protection of the student's private life.
- 5.3 The student has a right to review, request and, if necessary, correct their file. The student is not permitted to review data from the file relating to the private lives of third parties or confidential information disclosed by third parties to the student counsellor.
- 5.4 The student can ask to see documents of a personal nature that have been included in the file by submitting a motivated request to the student counsellor.

- 5.5 The file will be kept for up to ten years after the termination of the counselling contact, after which it will be destroyed.
- 5.6 The student counsellor will destroy the file at an earlier date following a written request by the student.

**Article 6 Professionalism**

- 6.1 The student counsellor is responsible for maintaining and developing their expertise.
- 6.2 Student counsellors engage in regular work consultations.
- 6.3 Student counsellors are subject to regular peer review.
- 6.4 The student counsellors produce an annual report each year.

**Article 7 Final provisions**

- 7.1 If a student is of the opinion that a student counsellor has acted contrary to this code of conduct and that they have been directly affected by this, the student can submit a complaint to the Complaints and Disputes Office.
- 7.2 This code of conduct has been adopted by the Executive Board – with the consent of the Participation Council – and will enter into force on 1 September 2019.
- 7.3 This code of conduct can be cited as 'HAN Student Counsellor Code of Conduct'.