

CODE OF GOOD PRACTICE

Council of Private Higher Education Inc.

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Introduction

The Council of Private Higher Education (COPHE) was formally incorporated as an Association in the ACT in 2001 after functioning from 1998 as a loose coalition of private higher education institutions. Each member institution has a distinctive character and mission with varied relationships with parent entities and other stakeholders that influence the conduct and direction of its affairs. What unites COPHE members and underpins their association is a shared and unambiguous commitment to excellence and diversity in higher education in Australia and outcomes for students. What gives COPHE credibility as an organisation is the quality demonstrated by its members.

COPHE operates as a community of purpose that seeks to give voice to the private higher education sector in the shaping of Australian higher education policy. COPHE does not pursue any specific political or industry agenda, nor does it represent an ideological counterpoint to the public higher education sector. COPHE constitutes a forum for its community to discuss and formulate views on how excellence may be achieved in Australian higher education through a robust, innovative and eminent private sector. COPHE also seeks opportunities to provide services for its members where there is benefit in collegiality and working together.

In a community of purpose such as COPHE, there are reciprocal obligations between the members of the community and its organisational representation. For COPHE to retain and enhance its reputation as a voice in the higher education sector, it is incumbent upon the organisation and its membership to act in a way that furthers its communal purpose. To this end, COPHE requires its members to act in accordance with a Code of Good Practice that embodies key values underpinning this community of purpose.

Why this Code is significant

- The provision of higher education brings with it a commitment that quality education be delivered and that students receive value for the investment they are making. COPHE and its members are dedicated to ensuring that Australia's excellent higher education reputation is maintained and enhanced, with a particular focus on the private higher education sector.
- This Code sets out the responsibilities and expectations that COPHE has of its member institutions, and also provides students and employees, as well as the wider higher education sector, with an assurance of excellence in all aspects of the delivery of quality higher education.
- This Code also underpins the approach COPHE takes when it seeks to engage in public policy debate, helping it to reflect the values of its members where COPHE seeks equity in the public policy treatment of higher education students, expanded student choice in course and institutional type and to extend diversity in higher education.
- COPHE members recognise that good public policy and measuring outcomes for students requires quality student and other reporting data and are committed to providing accurate data for the purposes of promoting continuous quality improvement.

It is recognised that higher education institutions must meet regulatory standards imposed by a wide range of legislation. This Code seeks to set out a summary of COPHE expectations without any suggestion that it supersedes any legislative or regulatory requirements.

This Code of Practice should be read in conjunction with the COPHE Constitution.

CODE OF GOOD PRACTICE

1. Each member practises good corporate and academic governance.

1.1. Every member institution must demonstrate that its corporate governance is:

- a) Appropriate for the nature and structure of the institution.
- b) Properly documented.
- c) Unambiguously responsible for the conduct of the institution.

1.2. The governing body must:

- a) Commit to ensuring compliance with all relevant Commonwealth and state legislation and regulations with respect to the institution's operation as a business and as a higher education provider.
- b) Demonstrate that it includes members with the range and mix of skills required.
- c) Meet a minimum of four times per calendar year and the proceedings of the meetings must be officially minuted.
- d) Ensure that the governing body and senior management meet all fit and proper person requirements as determined by relevant legislation and regulations.
- e) Take ultimate responsibility for the academic direction of the institution and decisions on all other matters of fundamental concern to the institution.
- f) Ensure the formation and proper conduct of formal academic governance structures as required by legislation and sound higher education practice.
- g) Demonstrate commitment to maintaining, resourcing and supporting all required and relevant academic boards, committees and structures in accordance with regulatory guidelines, compliance requirements, undertakings with professional bodies, and sound academic practice.
- h) Ensure that the advice, concerns and queries of academic boards and committees are respected, taken into account, and, as appropriate, acted upon by the institution.
- i) Ensure that management discharges its duties efficiently and with due regard for the proper conduct of business, mindful of the interests of staff, students and other stakeholders.
- j) Ensure that the institution is staffed and operated in a lawful, fair and ethical manner.
- k) Ensure that the institution's marketing is accurate and not misleading in any way.
- l) Ensure that students are recruited and advised in an ethical and responsible manner enabling students to make informed decisions. This includes the provision of written agreements outlining services to be provided, fees payable, all relevant institution policies, and information about tuition assurance arrangements.

2. Each member exhibits a commitment to the provision of quality higher education.

2.1. Members must be able to demonstrate:

- a) Commitment to the provision of relevant, quality educational experiences and student

outcomes in accordance with institutional undertakings to government, regulatory bodies, staff, students, potential employers, and the community at large.

- b) Commitment to internal and external quality assurance and quality improvement systems that fulfil and exceed the expectations of regulatory agencies.
- c) That responsibilities and mechanisms for quality assurance and quality improvement are defined, documented, publicised and reviewed regularly.
- d) That the institution has in place internal and external feedback and benchmarking mechanisms that include procedures for the review and subsequent revision of organisational and academic policies, processes and methods.
- e) Benchmarking arrangements that inform quality assurance and improvement.
- f) Commitment to the advancement of scholarship by students and academic staff, including free intellectual inquiry.

3. Each member provides appropriate support for students and staff.

3.1. Members support the welfare of all students both domestic and international by:

- a) Providing a detailed written agreement to each student.
- b) Ensuring adequate learning and study facilities are available.
- c) Ensuring that curriculum and study resources are of a high standard, current and relevant, and are readily and easily available.
- d) Having fair and open procedures for admission, tuition, course administration, and assessment. Members ensure that marketing of their education programs is ethical, professional and accurate, and maintains the integrity and reputation of COPHE and the sector.
- e) Providing and ethically following academic and non-academic complaint and grievance procedures that meet all legislative and regulatory requirements.
- f) Ensuring students have the necessary prerequisites for study, including academic proficiency and legal status.
- g) Being mindful and respectful of the different characteristics of students and their varying cultural backgrounds and levels of ability.
- h) Providing particular care for students who are under 18.
- i) Monitoring course progress and attendance.
- j) Managing student information in a responsible and lawful manner with particular attention to privacy obligations.
- k) Providing a well-rounded educational experience.

3.2 For students in Australia enrolled on a student visa, members support students to adjust to study and life in Australia by:

- a) Respecting the particular consumer rights of students and acting in their best interests in all matters.
- b) Members processing requests for course and provider changes in accordance with good practice and their documented procedures.

- c) Members resolving complaints and appeals processes in accordance with good practice and their documented procedures.
- d) Members monitoring the progress and, where appropriate, the attendance of students to enable them to successfully complete their course.
- e) Members ensuring that any agents or representatives are adequately trained and act in an ethical manner, in accordance with industry good practice and international standards, such as the *London Statement: Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants*.

3.3 Members support their academic and administrative staff by:

- a) Members meeting all necessary registration and regulatory compliance obligations.
- b) Ensuring adequate facilities and resources, including those relevant to scholarship and research – where applicable.
- c) Supporting professional and career development.
- d) Supporting academic staff in the design, development and delivery of high standard curriculum and learning resources, and providing training where and as appropriate in relevant educational technologies and delivery and support methods.
- e) Having fair and open recruitment, appointment and promotion procedures.
- f) Providing a safe, healthy and hospitable work environment.
- g) Being proactive in avoiding or minimising industrial or interpersonal conflict including properly and ethically following all academic and non-academic complaint and grievance procedures.
- h) Managing staff information in a responsible and lawful manner.

4. Each COPHE member is committed to tuition assurance.

- 4.1. Members will, in any course of study that they decide to discontinue, either complete the student tuition in that course or offer the student enrolment in a similar course leading to a similar award or transfer to another higher education provider offering a similar course. If such arrangements are not possible, the COPHE member will repay all tuition fees and student contributions for uncompleted units of study as required by legislation.
- 4.2. In the event of a member failure, with or without activation of a Tuition Assurance Scheme (TAS), Tuition Protection Service (TPS) or similar process, COPHE members are committed to minimising disruption to affected students.
- 4.3. Members will use best endeavours to accept any displaced students from other Members, taking into account their capacity and ability to provide similar courses.
- 4.4. Members who are members of a COPHE or associated Tuition Assurance Scheme (TAS) must comply with the requirements of the relevant TAS.
- 4.5. Members will maintain student records in a form that meets the requirements of any TAS or Tuition Protection Scheme (TPS) that the member institution contracts to provide such services.

5. Compliance with this Code.

- 5.1. The COPHE Board and CEO will at all times work with members to facilitate understanding and implementation of, and compliance with, this Code.
- 5.2. It is recognised that COPHE members are regulated by various government agencies and unnecessary complexity or any duplication in reporting is to be avoided. It is important, however, that COPHE is made aware by its members of matters related or potentially related to the public standing or perception of the Member, other COPHE members and anything that may reflect negatively or bring higher education into disrepute. Such matters are not limited solely to failures under education legislation.
- 5.3. As a matter of course, and usually in parallel with reporting requirements to the regulator/s, each member will inform COPHE of any major changes that are material to their ability to offer or deliver courses including, but not restricted to:
 - 5.3.1 Merger with another body.
 - 5.3.2 Changes to the legal status of the corporate body.
 - 5.3.3 Contracting with another body to deliver educational services.
 - 5.3.4 Changes in ownership/shareholding.
 - 5.3.5 Significant organisational changes, incidents/circumstances affecting the probity of the institution.
 - 5.3.6 A significant decline in financial position.
 - 5.3.7 Major alteration to teaching premises.
- 5.4. Changes of a minor or routine nature may best be communicated by copying to COPHE the annual reporting mandated by government agencies i.e. a special report is not required.
- 5.5. Recognising that providers of higher education are highly regulated under State and Commonwealth legislation, nothing in this code is intended to derogate from the requirements of such legislation and associated guidelines.
- 5.6. Where the COPHE Board determines that a member institution, including key personnel, is in breach of this Code, or in any other way has brought the private higher education sector into disrepute, then membership may be revoked following processes set down in the COPHE Constitution.
- 5.7. This determination will result from a majority vote of the Board following an investigation and report by two members of the Board who are independent of the institution.
- 5.8. In such an investigation, COPHE members must cooperate with requests for an inspection, interviews with personnel and provision of documentation deemed necessary to make a complete, fair and accurate assessment of the case.
- 5.9. Information marked 'confidential' supplied to COPHE will remain confidential unless or until:
 - a) It is required to be disclosed under State or Commonwealth law or,
 - b) It falls within the public domain or,
 - c) The COPHE member authorises disclosure.

This Version of the COPHE Code of Good Practice was updated and approved by the COPHE Board on 4th February 2016.