

Decision

on the application of 27 June 2017
submitted by a student of the Vrije Universiteit Amsterdam, hereafter applicant,
regarding alleged conduct of the Vrije Universiteit, hereafter VU.

1. COURSE OF THE PROCEEDINGS

On 27 June 2017, the National Commission received an application, regarding a number of actions of the VU.

Since the application did not contain any direct relationships between the actions of the VU and the articles of the Code of Conduct, applicant was requested by email on 29 June 2017 and 5 July 2017 to relate her application to the articles of the Code of Conduct, and to provide documentation establishing she is an international student as defined in the Code of Conduct. Applicant reacted by e-mail on 29 June 2017 and 5 July 2017 stating that in her opinion she sufficiently motivated and substantiated her application.

The National Commission discussed the application on 20 September 2017, whereupon a decision has been taken and the file closed.

2. CONTENT APPLICATION

Applicant has lodged a complaint about the decision of the Exam committee of the faculty of Law of the VU. The Exam committee observed applicant committing fraud during the exam European State and Administrative Law and consequently awarded her a grade 0.

In the opinion of applicant she has been falsely accused of fraud. According to the VU, applicant had tools (books) on her table during the exam which were not allowed. Applicant thought the exam was an 'open book exam', so she was not aware these tools (books) could not be used.

In addition, applicant is of the opinion that she has unfairly received too many low failing grades. The VU has insufficiently considered her dyslexia, and teachers of the VU have discriminated her because of her nationality, culture, internet use and political preferences. Finally, applicant states she received insufficient coaching during her studies, nor did she receive an offer for coaching from the VU.

3. ADMISSIBILITY

The National Commission is competent to have jurisdiction in disputed conduct of educational institutions listed in the register of the Code of Conduct in relation to international students. The VU is a higher educational institute and has been listed since 3 May 2006 in the register of the Code of Conduct. The conduct dates from after the registration date.

The Code of Conduct defines an international student as follows:

A student with a foreign nationality who, in case of a third-country national on the basis of a residence permit granted to this effect, desires to continue, continues or has continued his/her full time education at a higher education institution in the Netherlands.

Applicant was born in Stepanakert, Sovjet-Union. From February 2002 until September 2016 applicant resided in the Netherlands. Since November 2015 applicant was registered as 'stateless citizen' in the *Basisregister Personen* of the municipality of The Hague. On 29 September 2016, applicant was issued a Dutch identity card. As of this date she has Dutch nationality.

The National Commission notes that the applicant had the Dutch nationality on 28 October 2016, the day she took the exam European State and Administrative Law. At that moment, she did not comply with the definition of an international student as defined by the Code of Conduct. The National Commission further notes that in February 2016, at the moment of registration for the master study State and Administrative Law at the VU, applicant also did not comply with the definition of an international student as defined by the Code of Conduct, by reason she did not have a temporary residence permit issued on behalf of studies.

The National Commission holds that the application is inadmissible because the Commission could not establish that applicant, for the period in which the alleged conduct has taken place, is an international student as defined in the Code of Conduct.

4. DECISION

The National Commission declares the application inadmissible.

drs. P.M.M. Rullmann, deputy chair, mrs. dr. K.S. Ali, mrs. dr. M.S. Menéndez and dr. J.A. Dop, members, in the presence of mr. dr. A.G.D. Overmars, researcher and mrs. J.G. van den Bosch MA, secretary.

Thus decided in Utrecht on 20 September 2017,

drs. P.M.M. Rullmann
deputy chair

mrs. J.G. van den Bosch MA
secretary

Send: 25 September 2017