

DECISION

On the petition of 29 November 2017,
submitted by StatMind, hereafter petitioner,
pertaining alleged conduct of Maastricht School of Management, hereafter MSM.

1. PROCEEDINGS

On 6 December 2017, the National Commission received a letter, hereafter the petition, regarding several actions of MSM.

Petitioner was informed on 6 December 2017 that the National Commission would discuss the petition for the first time mid-January 2018. Petitioner explained that no other procedures against MSM were pending and that the petition was submitted on behalf of StatMind. To this effect, petitioner produced an extract of the Chamber of Commerce stating that petitioner was authorised to submit a petition on behalf of StatMind.

On 25 January 2018, the National Commission received at its request a response from MSM to the petition.

The National Commission discussed the petition on 21 January 2018 and on 17 February 2018, after which a final decision was given, and the file was closed.

2. CONTENTS PETITION

The petition concerned an allegedly incorrect or misleading information provision by MSM and its partners about the programmes offered. The institution and partner institutes outside the Netherlands jointly offer Master's programmes and DBA programmes in conformity with what MSM calls an 'outreach model'. Petitioner was of the opinion that MSM and its partner institutes provided incorrect, or misleading, information about: the quality of the programme offered, collaborations with partner institutes, which institution is the degree awarding institution, and the accreditation of the programmes offered.

According to petitioner MSM had violated the following provisions of the Code of Conduct:

- 1) Article 2.1 of the Code of Conduct. According to petitioner MSM failed to provide correct, reliable and simple information to international students about the courses offered, in which the information occasionally seemed intentionally misleading. Petitioner stated that:
 - a) the programmes offered jointly with foreign partners had not been accredited by the Accreditation Organisation of the Netherlands and Flanders (NVAO). The foreign partners presented on their websites the programmes as Dutch degree programmes or degree programmes accredited in the Netherlands;
 - b) MSM claimed AACSB accreditation on several websites;
 - c) MSM was unclear about its position in the Dutch educational system;
 - d) MSM wrongly stated on its website that it offers a PhD programme in collaboration with Dutch universities.
 - e) MSM wrongly stated on websites of its partners and other information websites that MSM awards PhD degrees.
 - f) On its website MSM provided incorrect information about a DBA programme offered jointly with an African business school. According to petitioner this partnership no longer exists, and petitioner claims to have an exclusive partnership with this business school since 2015.
- 2) Article 2.3 of the Code of Conduct. According to petitioner MSM provided misleading information about the quality of the DBA programmes it arranged.

3) Articles 3.1 and 3.2 of the Code of Conduct. Petitioner stated that MSM was responsible for the dissemination of incorrect information about the programmes offered by MSM and its partner institutes.

3. ADMISSIBILITY

The National Commission is competent to inspect petitions about the relation between educational institutions listed in the register of the Code of Conduct and international students. MSM is a higher education institution and has been listed in the register of the Code of Conduct since 19 May 2006. The conduct dated from after the date mentioned above.

Article 7.5 of the Code of Conduct stipulates that:

Any party concerned believing that a higher education institution has not acted in accordance with this Code of Conduct can lodge a petition with the National Commission in writing.

The petition in question was submitted by mr. Goedegebuure on behalf of the organisation called StatMind. Although everyone is free to submit a petition in relation to the Code of Conduct concerning an educational institution that has signed the Code of Conduct, a restriction for processing is that it should concern an interest that the Code of Conduct aims to protect. Although petitioner argued to promote the interests of the international student and Dutch higher education, it could be inferred from documents submitted by MSM that petitioner is a former employee of MSM, and that the petition originated from a business or personal conflict that has been going on between petitioner and MSM since 2015. The National Commission was of the opinion that the petition was inextricably linked to petitioner's business interests. The petition procedure of the Code of Conduct is not the appropriate way to stand up for such interests.

Given the above, the National Commission was of the opinion that the petition was not admissible since a direct interest, or a sufficient interest, in the context of the Code of Conduct for petitioner failed.

4. SUPERFLUOUS

Even though the petition was considered not admissible, the National Commission still has concerns about the provision of information about the programmes offered and about the accreditation of the programmes MSM offers to international students. From its duty of care, the National Commission will discuss the question whether it will start an examination into the provision of information by MSM of its own accord.

5. DECISION

The National Commission disallowed the petition.

Delivered in Utrecht on 21 February 2018,

J.E.J. van Bergen (ir.), chairman; Mrs. dr. K.S. Ali, dr. J.A. Dop, drs. P.M.M. Rullman, members; in the presence of dr. A.G.D. Overmars, investigator and Mrs J.G. van den Bosch MA, secretary.

J.E.J van Bergen (ir.)
Chairman

J.G. van den Bosch MA
Secretary

sent on 2 March 2018