

## **Guidelines concerning Article 4.2 and Article 5.5 of the Code of Conduct for International Students in Higher Education**

*The guidelines were approved on 16 June 2020.*

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### **Background**

In response to the measures aimed at fighting the COVID-19 virus, several questions have arisen among the educational institutions with regard to the application of provisions in the Code of Conduct for International Students in Higher Education. These questions include the ability of taking the required English language test. The IND has also called for attention to the fact that they are receiving many questions from educational institutions concerning the applicability of mitigating reasons for cases in which students experience academic delays because the measures that have been taken prevent them from following their educational programmes. The National Committee expects that the following guidelines will be able to answer your questions. These guidelines were prepared through extensive consultation between the National Committee, the umbrella organizations, the Ministry of Education, Culture and Science, the Ministry of Justice and Security, and the IND.

### **Article 4.2 of the Code of Conduct: Obligation to take an English language test**

The National Committee has received signals that international students are encountering problems in their home countries with regard to taking the required English language test. Many testing centres are closed as a consequence of the measures that have been taken to fight coronavirus, such that the tests listed in the Code of Conduct cannot be taken in all countries at this time. Several suppliers responsible for the language tests listed in the Code of Conduct have developed alternatives in the short term or were working on them at the time of writing. These efforts include the TOEFL iBT @home test.

In consultation with the aforementioned bodies, the National Committee has arrived at the following temporary expansion of Article 4.2 of the Code of Conduct:

*Throughout the period during which the measures taken to fight Coronavirus prevent the use of the regular language tests as stated in Article 4.2 of the Code of Conduct, the use of a few approved tests provided by the suppliers listed in Article 4.2 of the Code of Conduct shall be permitted, provided these tests are accompanied by a sufficient guarantee of quality. This expansion applies to prospective international students, whose enrollment for the academic year 2020-2021 starts on August 31, 2020.*

*Current information on the online language tests that can be used as referred to above, as well as on the minimum scores required is available on the Code of Conduct website. This information will be updated whenever changes occur.*

*All signatories of the Code of Conduct will make every possible effort to facilitate the use of these language tests in order to ensure that the greatest possible share of the prospective students will be able to take a language test as soon as possible.*

### **Article 5.5 of the Code of Conduct: Mitigating reasons**

The current situation, in which the educational system has also been severely affected by the measures that have been taken to fight coronavirus, calls for all parties to look for all possible solutions to ensure that international students can be accommodated and assisted in their studies. Academic delays are on the horizon, if they have not already occurred. The corona crisis can constitute a mitigating reason for academic delay, as referred to in Article 5.5 of the Code of Conduct. This possibility of exemption applies to international students who have made insufficient study progress in the academic year 2019-2020.

Given that this mitigating reason can apply to larger groups of students simultaneously, an institution may establish this with regard to an entire group of students simultaneously. One important consideration in this regard is that, as under regular circumstances, educational institutions must include a notation in each individual student's file that the student had no opportunity to follow the educational programme. This is a situation of educational infeasibility. Such is not the case if the student has been offered alternatives to follow the educational programme and allowed to earn a sufficient number of credits.

In conclusion, the National Committee wishes to emphasize that the educational institutions are vested with the authority to assess whether mitigating reasons based on Article 5.5 of the Code of Conduct have occurred in individual cases.

The National Committee expects that the testing blocks above will be able to provide guidelines to and create clarity for current and prospective international students and their educational institutions. The guidelines have been coordinated with the Dutch Council for Training and Education (NRTO), the Association of Universities of Applied Sciences, the Association of Universities in the Netherlands (VSNU), the Ministry of Education, Culture and Science, the Ministry of Justice and Security, and the IND.