

Decision

on the application, dated 9 June 2014,
submitted by a former PhD-student of Maastricht School of Management, hereafter applicant,
pertaining conduct of Maastricht School of Management, hereafter MSM.

1. COURSE OF THE PROCEEDINGS

On 5 June 2014 the National Commission received an application pertaining to a number of actions by MSM. The application was extensively substantiated through different emails.

Since the application did not entail a link between the actions of MSM and the Code of Conduct, the National Commission asked the applicant by email on 16 June 2014 and 4 July 2014 to relate his complaint to the articles of the similar Code. In reaction to this the National Commission received an extensive email of the applicant on June 29, followed by a chronological explanation of events on 15 July 2014. In both emails the applicant omitted to relate his complaint to the articles of the Code of Conduct.

On 16 July 2014 the National Commission assessed the application, which led to the decision to ask the applicant again to specify the relation of his complaint with the Code of Conduct. In reaction to this request dated 23 July 2014, the applicant reformulated his complaint by email containing 15 appendices on 1 August 2014. Applicant enumerates, without any motivation, the following articles which in his opinion are violated by the MSM: 2.1(a), 2.1(h), 2.3, 2.5, 5.4 en 5.5. He adds to this that the problems he experienced during his study are not specifically mentioned in the Code of Conduct.

On 17 September 2014 the National Commission discussed the application, whereupon a decision has been taken and the file closed.

2. CONTENT APPLICATION

The application regards – in short – actions and conduct related to the decision taken by MSM to end the enrolment of applicant from their PhD-program mid-2012. According to the applicant he can not be blamed for the reasons which were brought forward by MSM for making this decision. Therefore he wishes to resume his study.

The decision of MSM to discontinue the participation of applicant has been based on reasons that the promoter did not expect that applicant would be able to successfully finish the program within the next 4 years and applicant did not finish one of the obligated modules of the program, Research Method 2, within a year as is required according to the Rules and Regulations of MSM.

In the opinion of applicant he can not be blamed for the insufficient progress of his study. According to applicant the reasons for the delayed progress were the following: instable political situation in his home country, problems with attaining data and above all that during the first 20 months of the program he did not receive any supervision. Only after 20 months the applicant was allocated a promoter. Considering the argument for not passing the obligated module in time, applicant holds the opinion that he was never informed about any deadlines for a resit nor about the Rules and Regulation.

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, to the extent that the conduct took place after the date of inclusion in the register. MSM is a higher educational institution and has been listed since 19 May 2006 in the register of the Code of Conduct. The conduct dates from after the registration date.

The application has been submitted by a former international PhD-student of MSM, who was granted a scholarship within the context of the *Netherlands Fellowship Programme* administered by Nuffic in The Hague. The Code of Conduct has no implications on researchers or PhD-students.

The definition for an international student as described in the Code of Conduct:

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 education at a higher education institution in the Netherlands.

On the request of the National Commission to provide a copy of his residence permit, valid during the period of the conduct, applicant answered negatively. Petitioner states that he was issued a permit in the past, but it was no longer valid during that period. The most recent Dutch valid resident permit which was issued for 'study' is dated from 06-04-2010 valid till 01-06-2011. According to the applicant MSM was unwilling to extend his permit. The National Commission establishes that it has not been proven that applicant during the period of the conduct had a valid Dutch residence permit.

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

Considering the above mentioned facts the National Commission has the opinion that the application is inadmissible.

4. DECISION

The National Commission declares the application inadmissible.

Prof. mr. R. Fernhout, chair, mrs. H.A.M.F. Keijzer-Lambooy, mrs. dr. K.S. Ali, mr. drs. C. Boom, ir. F. Kuipers and drs. P.M.M. Rullmann, members, in attendance of mr. dr. A.G.D. Overmars, secretary and mrs. J.G. van den Bosch MA, policy advisor.

Thus decided in Utrecht on 17 September 2014,

prof. mr. R. Fernhout
chair

mr. dr. A.G.D. Overmars
secretary

Send: 3 October 2014