

Decision

on the application, dated 5 July 2013,
submitted by a (former) student of Maastricht School of Management, hereafter applicant,
pertaining conduct of Maastricht School of Management, hereafter MSM.

1. COURSE OF THE PROCEEDINGS

On 5 July 2013, the National Commission received an application pertaining to a number of actions by MSM. The application was extensively substantiated.

Since at first assessment of the application the National Commission could not immediately understand the link that applicant suggested to exist between the cited articles of the Code of Conduct and the actions and conduct described, the National Commission asked applicant for further explanation by e-mail on 23 July 2013. The explanation, containing a number of appendices, was received on 15 August 2013.

On 18 September 2013 the National Commission assessed the application, which led to a decision and closure of the case.

2. CONTENT APPLICATION

The application regards actions and conduct related to the examinations of one of the subjects of the study programme, the submission and assessment of research proposals and thesis drafts, as well as the costs of the required extension of the registration period. As applicant failed to meet deadlines, MSM removed the student from the institution. In response to the objection against the removal as filed by applicant, MSM's Examination Board gave applicant the opportunity to defend his thesis and to complete the last subject of his study programme, provided applicant would meet certain conditions.

At the National Commission's request, applicant linked the conduct as described to the Code of Conduct. Applicant stated that articles 2.1 (under b, c and f), 2.3 and 5.5 had been violated.

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 education 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. Before submitting the application, the complaints were processed by the internal Examination Board of MSM.

The application has been submitted by a former student of MSM. Applicant included a copy of his driving licence and passport issued in Uganda. The documents submitted with the application demonstrate that applicant is a (former) international MBA student who was granted a scholarship within the context of the *Netherlands Fellowship Programme* administered by Nuffic in The Hague.

Articles 2.1 (under b, c and f) and 2.3

On the grounds of the provisions of articles 2.1 (under b, c and f) and 2.3, the educational institution has entered into the following obligations:

- to timely present trustworthy and easily accessible information about the quality criteria of the study programme, the description of the programme, the certificate that can be obtained and its legal status, the education and examination regulations, as well as the additional fees the educational institution might demand from the international student in the context of the above, and
- to clearly indicate the nature of the educational institution and its programmes in all its advertisements and presentation.

In his argumentation of conduct in conflict with articles 2.1 (sub b, c and f) and 2.3 of the Code of Conduct, applicant linked the question whether MSM's Rules and Regulations 2011-2012 offer sufficient grounds for a decision about removal of the institution to the information obligation regarding the Education and Examination Regulations. The procedure relating to the examination of one of the subjects of the study programme and the possibilities for a resit, were linked to information about the quality of the education. It has not been stated nor proven that with regard to information irregularities were discovered. Therefore, the National Commission is of the opinion that the argumentation does not support the position taken by applicant.

The same holds for article 2.3 of the Code of Conduct, which states that the educational institution must ensure that clear information is given about the nature of the educational institution and its programmes in its advertisements and presentation. Applicant linked his own negative experiences with MSM to the obligation - for MSM - to advertise the institution and the nature of its programmes appropriately. It has not been stated nor proven that the way in which MSM presented itself - for instance on the Internet - would have given rise to the irregularities applicant put forward.

Article 5.5

The text of this article of the Code of Conduct as referred to by applicant was not yet in force (see appendix to the Code of Conduct) at the time of the conduct described. As such, no violation of the phrasing of the stipulation referred to exists.

The National Commission examined by its own motion whether the arguments of the applicant would offer any support for the statement that the Code of Conduct had been violated. The conduct mainly refers to the examinations of one of the subjects of the study programme, the submission and assessment of research proposals and thesis drafts, as well as the costs of the required extension of the registration period. Such conduct cannot be brought up for assessment by the National Commission in an application procedure of the Code of Conduct. To this effect MSM has its own authorized body.

In view of the above, the application cannot lead to assessment by the National Commission regarding conduct allegedly conflicting with articles 2.1 (under b, c and f), 2.3 and 5.5 of the Code of Conduct. Even after examination by its own motion, the National Commission could not ascertain the alleged violation.

4. DECISION

The National Commission declares the application inadmissible.

Prof. R. Fernhout LL.M, chair, Mrs H.A.M.F. Keijzer-Lambooy, Mr drs. C. Boom, Mr ir. F. Kuipers, members, and Mrs drs. M.C. Gardeur-Veltman, substitute member, in the presences of Mrs bc. W. Broersma, investigator and Mr A.G.D. Overmars LL.M, secretary.

Drawn up in Utrecht on 18 September 2013,

prof. R. Fernhout LL.M
chair

A.G.D. Overmars LL.M
secretary

Sent on 2 October 2013.