

Code of conduct with respect to international student in Dutch higher education

Preamble

Considering that

Dutch higher education aims to further improve and strengthen international co-operation, and The Netherlands wishes to brand itself abroad as a knowledge society together with its higher education institutions;

higher education institutions, in principle, give equal treatment to Dutch and international students, but that information to and care for international students require further regulation to some extent, which the higher education institutions aim to achieve with this code of conduct;

the higher education institutions wish to attract good international students and to establish a streamlined and co-ordinated guideline for the relation between international students and Dutch institutions using this code of conduct;

the code of conduct is supplementary to the existing legal framework, e.g. Article 3.41 of the Immigration Decree 2000 (*Vreemdelingenbesluit*) and Chapter B6 of the Immigration Act Implementation Guidelines 2000 (*Vreemdelingencirculaire*);

it is important for the higher education institutions to give international students a clear and unambiguous picture of the Dutch higher educational system and the education provided in accordance with the description in the Diploma Supplement as established by the Ministry of Education, Culture and Science (OCW);

within that framework, the higher education institutions wish to provide clear and accessible information on the quality of the study programme, the position it has within the Dutch system, the services and provisions offered to international students, the costs of study and living, as well as the admission requirements for international students;

the higher education institution may only use the government's internationalisation policy instruments when they provide good care for international students;

the government considers that the higher education institutions that subscribe to, implement and apply this code of conduct will offer good care for international students;

the Dutch government has decided that the signing of the code of conduct by the higher education institutions is a pre-condition for granting a residence permit to non-EU residents for study at the level of higher education;

the Dutch government supports and provides relevant information through its offices abroad to the higher education institutions that subscribe to and implement this code of conduct;

the higher education institutions that subscribe to this code of conduct consider it to be a precondition for a proper relationship between the international student and the higher education institution;

by signing this code, the higher education institution is obliged to comply with the obligations set out in the code of conduct;

the higher education institutions have agreed to comply with the following obligations:

1 Definitions

Agent:

an individual, company or other organisation that provides services, whether or not on a commercial basis, to prospective international students who wish to study in the Netherlands or that provides services to higher education institutions when recruiting international students.

Parties concerned:

the international student, the registered higher education institutions, the Ministries of Foreign Affairs (BZ), Education, Culture and Science (OCW), Agriculture, Nature and Food Quality (LNV) and Justice.

Code of conduct:

the present code of conduct with respect to international student in Dutch higher education.

International student:

a student with a foreign nationality who has had his/her preparatory training and qualification(s) outside the Netherlands and who, on the basis of that preparatory training, wishes to continue his/her education wholly or partly at a higher education institution in the Netherlands.

Higher education institution (until the implementation of the Higher Education and Research Act - WHOO)

an institution subsidised or recognised in accordance with the Higher Education and Research Act (WHW), or an institution of higher education subsidised within the framework of Article 2 of the Ministry of Foreign Affairs (Grant) Framework Act (*kaderwet subsidies Ministerie van Buitenlandse Zaken*) and Articles 2.4.6, 2.4.11 (under c) and 2.4.12 (under a and b) of the Ministry of Foreign Affairs Grant Regulations (*subsidieregeling Ministerie van Buitenlandse Zaken*) of 22 November 2004, or an institution that provides accredited higher education through the Accreditation Organisation of The Netherlands and Flanders (NVAO) or comparable accreditation frameworks and that has signed this code of conduct and is registered as a participating institution by the register administrator.

Higher education institution (after the implementation of the WHOO)

a higher education institution that provides higher education accredited by the NVAO or comparable accreditation organisations, has signed this code of conduct and is registered as a participating institution by the register administrator.

National committee:

the committee as outlined to in Section 7.

Register:

the public register of higher education institutions that have signed the code of conduct and that is maintained by the register administrator.

Register administrator:

the Informatie Beheer Groep (IB-Groep).

Education:

all higher education provided by the higher education institution to international students.

2 Information provision

- 2.1 The higher education institution provides timely, reliable and easily accessible information to international students concerning:
- a. the status of the study programme in terms of accreditation;
 - b. the quality criteria that study programmes must comply with and the internal procedures guaranteeing such quality;
 - c. a description of the study programme and the certificate that will be obtained, and the examination regulations or a summary thereof;
 - d. the admission requirements for the study programme, including procedures for admission and registration and the associated costs;
 - e. the language of teaching;
 - f. supplementary charges required by the higher education institution from the student for the above services or the services referred to in Section 3, 4 and 5;
 - g. this code of conduct.

The above information preferably comprises a description of the knowledge and skills that the international student will have acquired when successfully completing the study programme.

- 2.2 The information provided by the higher education institution to international students based on this code of conduct must be provided in English or the language used in the study programme or in the native language of the international student.
- 2.3 The higher education institution ensures that its marketing and external presentation clearly indicate the nature of the higher education institution and its education; and when recruiting international students, it will act in accordance with the rules and standards laid down in the Advertising Code of the Dutch Advertising Code Commission (*Nederlandse Reclame Code Commissie*), particularly general code (I) and the special advertising code for study courses (II-b). The higher education institution uses a name in the English language in such a way that it clearly indicates the nature of the institution.

3 Agents

- 3.1 If the higher education institution hires an agent to recruit international students, the higher education institution will ensure that the agent acts in the spirit of this code of conduct.

The higher education institution will include in its agreement with the agent a clause to the effect that the agreement will be dissolved immediately if the agent does not comply with the code of conduct and the advertising code applied in the country of recruitment. If the recruitment process is contracted out either wholly or partly, the higher education institution remains responsible for the admission of students.

- 3.2 The international student pays the study costs and any admission fee to the higher education institution or, in case of *joint* or *double degree* programmes, to the designated (foreign) higher education institution.
- 3.3 If recruitment or broker costs are to be paid to the agent, the agreement between the higher education institution and the agent will state who must pay these costs to the agent. International students must be clearly informed of the content of this provision in the agreement on the basis of Article 2.1.
- 3.4 The higher education institution makes arrangements with the agent concerning supervision of his actions. The higher education institution also regularly acquaints itself with the experiences of international students. At the request of the national commission (see Article 7), the higher education institution will provide insight into its agreements with agents. The higher education institution immediately reports any negative experience with agents to the register administrator. The register administrator compiles a list of the agents with whom the higher education institutions have had a negative experience and presents the findings to the national commission. Based on these findings, the national commission can make a recommendation to the higher education institutions. The higher education institutions regulate in the agreements with agents that the agreement can be given to third parties for perusal.

4 Admission

- 4.1 International students who apply for registration with the higher education institution must show that they have the required preparatory education, sufficient language skills (see Article 4.2), and diplomas for the specific study programme for which registration is required. The higher education institution determines the preparatory education requirements prior to the recruitment of international students for the study programme in question and checks prior to admission whether the international student meets the requirements.
- 4.2 The higher education institution determines for the education that it provides to international students the minimum language requirements that they must satisfy and makes sure that they actually meet these requirements. For study programmes in English, an IELTS or comparable test score of at least 5 (five) is required for the preparatory year and for the B and M level a score of at least 6 (six).
- 4.3 The higher education institution will refuse the international student admission and/or registration, with a motivation, if he/she (i) does not meet the requirements set by the higher education institution and/or the study programme, (ii) if he/she does not obtain a place due to the *numerus fixus* or (iii) if admission would not be in line with the higher education institution's policy. The last option only applies to non-European students, since European students receive the same treatment as Dutch students.

- 4.4 The higher education institution notifies the international student in writing and with a motivation of any refusal to admit and/or register him/her as referred to in Article 4.3. The higher education institution also reports any legal remedies that the international student may have recourse to in connection with the refusal.
- 4.5 The higher education institution can charge a fee for testing language skills, the preparatory education, and diplomas. The higher education institution is obliged to notify the international student in advance, in accordance with Article 2.1.
- 4.6 If the higher education institution offers the international student the possibility to follow, or obliges the international student to follow, a preparatory study programme of maximum one year, including preparatory language study, in order to be admitted to the educational programme, the higher education institution must ascertain in advance that the international student is capable of successfully completing the preparatory study programme.

5 Offers to and assistance to international students

- 5.1 The higher education institution meets the national legal requirements that apply to the institution.
- 5.2 The institution offers international students only duly accredited degree education. Accreditation of the study programme has been carried out by the NVAO or by an accreditation organisation offering accreditation of comparable quality. The national commission will compile a list of such accreditation organisations. An exception to this is made for study programmes included in the Central Register of Higher Education Study Programmes (CROHO) on the grounds of the transition provisions (in the WHW), without accreditation having taken place, and for which the higher education institution guarantees that the education provided is at the level of higher education and the institution can present quality assessments in the form of external quality assurance reports as provided by the review system that operated in the Netherlands until 2004.

Short courses and tailor-made programmes at the level of higher education can also be offered to international students. If they are recognisable as a part of an accredited bachelor or master study programme, the quality of these courses is secured in this way. If the study or the tailor-made programme is not recognisable as a part of an accredited bachelor or master study programme, the institution must demonstrate the quality of the course in question by means of quality assurance based on the frameworks and procedures of the Dutch accreditation system.

- 5.3 The higher education institution will ensure that teachers have sufficient command of the language in which study programmes are offered.
- 5.4 The higher education institution clarifies what services it provides to international students concerning with obtaining a visa and a residence permit, housing, introduction and assistance. In its information material, the higher education institution specifies clearly what services it offers within this framework and what the associated costs are, in accordance with Article 2.1.

- 5.5 As soon as the higher education institution becomes aware that the international student is no longer following the study programme without having urgent or important reasons for this, the higher education institution will notify the Immigration and Naturalisation Service (IND). The higher education institution will indicate, upon request, how this obligation is carried out.
- 5.6 The higher education institution is obliged to provide the education offered. If the study programme is nevertheless cancelled for valid reasons, cancellation must take place no later than three months prior to the start of the study programme, short courses and tailor-made programmes excepted. If the international student is already in the Netherlands with the aim to follow the study programme, the higher education institution is bound to find, if possible, a suitable alternative in consultation with the international student, and to inform the international student about the procedures to follow.

6 Register of participating higher education institutions and the tasks and authorities of the register administrator

- 6.1 To be registered by the register administrator in the register, the higher education institution must show the register administrator that:
- a) the higher education institution's executive board has subscribed to this code of conduct by signing it;
 - b) the information is provided in accordance with Articles 2.1, 3.3 and 4.5.
- 6.2 The register is published by the register administrator on websites of the register administrator and in other publications, in Dutch and English.
- 6.3 A higher education institution may, upon request, or in accordance with the provisions of Article 7.8, by order of the national commission, be removed from the register by the register administrator.
- 6.4 If a higher education institution is added to or removed from the register, this fact is published by the register administrator. In the case of removal, the register administrator states the reasons.
- 6.5 Without prejudice to the other tasks mentioned in this code of conduct, the tasks of the register administrator consist of:
- a) registering complaints;
 - b) preparing an annual report for adoption by the national commission;
 - c) providing information to parties concerned.

7 Competences of the national commission

- 7.1 The education institutions will establish a national commission and define the competences of this commission. The higher education institutions appoint members to the national commission for the (renewable) period of one year. The register administrator informs parties concerned of the composition of the national commission.

- 7.2 The national commission is independent and consists of six members. The Association of Universities in the Netherlands (VSNU) appoints two members and two deputy members, the Netherlands Association of Universities of Applied Sciences (HBO-raad) appoints two members and two deputy members, the Federation of International Higher education institutions in the Netherlands (FION) appoints one member and a deputy member and the Association of Accredited Private Higher Education Institutions in the Netherlands (PAEPON) appoints one member and a deputy member. The national commission appoints a chairperson who is not a party concerned. If any complaint relates to or comes from a higher education institution which has a member sitting on the commission, the member involved will step down and be replaced by a deputy member from another higher education institution.
- 7.3 The task of the national commission is to promote compliance with the code of conduct and to assess the actions of the higher education institutions in the light of the code of conduct. It does so by, among other things, (i) dealing with the complaints submitted under the code of conduct and (ii) deciding on changes to the code of conduct.
- 7.4 In order to perform its tasks, the national commission will draw up rules and regulations that form an integral part of this code of conduct. These rules and regulations will also specify what complaints (see Article 7.6) interested parties can submit, how they will be handled and what the possible sanctions are if the complaint is legitimate.
- 7.5 A party concerned that believes that a higher education institution has not acted in accordance with this code of conduct should first submit a complaint to the competent authority of that higher education institution. The higher education institution will ensure that existing or, if necessary, new internal complaint procedures are available for complaints under the code of conduct.
- 7.6 If the complainant is of the opinion that the higher education institution has not settled a complaint properly or believes that the higher education institution still does not comply with the code of conduct, it may submit the reason for the complaint and the response it received from the higher education institution to the national commission.
- 7.7 If, after hearing both sides of the argument, the national commission decides that the higher education institution has not complied with this code of conduct, it will notify the higher education institution and the complainant of its decision and any consequences thereof.
- 7.8 If the national commission decides to remove a higher education institution from the register, it will also decide on the duration of removal and the provisions for the higher education institution in order to be re-admitted to the register.
- 7.9 The national commission notifies its decision within a month to the higher education institution, the complainant, the IND and OCW in writing.

7.10 If the higher education institution objects to the national commission's decision, it can submit the decision to arbitration by the Netherlands Arbitration Institute (*Nederlands Arbitrage Instituut*) or an alternative arbitration body within a month after receipt of the decision, as referred to in Article 7.9.

7.11 The decision of the national commission can only be implemented when:

- the higher education institution has indicated in writing that it acquiesces to the decision; or
- a final and conclusive judgment has been given in the arbitration procedure; or
- the arbitration procedure has been ended with the approval of both the higher education institution and the national commission.

If the higher education institution does not call for arbitration or confirms in writing that it acquiesces to the decision, the decision becomes final and conclusive.

7.12 All costs incurred by the national commission and the higher education institution in connection with arbitration will be borne by the Dutch government.

7.13 The register administrator acts as secretary to the national commission. In that capacity, it informs the Education Inspectorate of all valid complaints that have been submitted to the national commission.

8 Commencement date and initial period

8.1 The code of conduct comes into force on 1 May 2006.

8.2 A higher education institution's executive board may decide to revoke its participation, provided the decision to do so is taken at least six months before the planned termination date. The termination date corresponds to the beginning of each academic year. The higher education institution involved notifies the register administrator and the national commission of its decision.

8.3 If a party concerned proposes a change to the code of conduct, when legislation changes, or when for other reasons changes to the code of conduct are desirable or necessary, the register administrator will publish the change and distribute the amended code of conduct. A change is only possible if the national commission has given its approval, unless peremptory legislation has been introduced. In the latter case, the register administrator will bring the text of the code of conduct immediately in accordance with the legislation in question.

8.4 After three years, an evaluation of the content and operation of the code of conduct will be done by the institutions involved, the parties concerned and the register administrator. On the basis of this evaluation, the code of conduct, whether changed or not, will be adopted, and signed by the higher education institutions no later than 1 September, 2009. The initiative for the evaluation will be taken by the national commission.

- 8.5 The higher education institution undertakes to act as far as possible in the spirit of the code of conduct, also with respect to matters that are not described in the code of conduct.

List of abbreviations

BZ:	<i>Ministerie van Buitenlandse Zaken</i> (Ministry of Foreign Affairs)
CROHO:	<i>Centraal Register Opleidingen in het Hoger Onderwijs</i> (Central Register of Higher Education Study Programmes)
FION:	<i>Federatie Internationaal Onderwijsinstellingen in Nederland</i> (Federation of International Education Institutions in the Netherlands)
HBO-raad:	<i>Belangen- en werkgeversvereniging van de Nederlandse hogescholen</i> (Netherlands Association of Universities of Applied Sciences)
IB-Groep:	<i>Informatie Beheer Groep</i> (Informatie Beheer Groep)
IELTS:	International English Language Testing System
IND:	<i>Immigratie en Naturalisatiedienst</i> (Immigration and Naturalisation Service)
LNV:	<i>Ministerie van Landbouw, Natuur en Voedselkwaliteit</i> (Ministry of Agriculture, Nature and Food Quality)
NVAO:	<i>Nederlands-Vlaamse Accreditatie Organisatie</i> (Accreditation Organisation of The Netherlands and Flanders)
OCW:	<i>Ministerie van Onderwijs, Cultuur en Wetenschap</i> (Ministry of Education, Culture and Science)
PAEPON:	<i>Platform van Aangewezen / Erkende Particuliere Onderwijsinstellingen in Nederland</i> (Association of Accredited Private Higher Education Institutions in the Netherlands)
VSNU:	<i>Vereniging van Samenwerkende Universiteiten</i> (Association of Universities in the Netherlands)
WHW:	<i>Wet op het Hoger onderwijs en Wetenschappelijk onderzoek</i> (Higher Education and Research Act)