

Code of Conduct international student higher education

Revised 4 December 2009

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 the provision of information to and care for international students require further regulation in some respects;

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;

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

Within that framework, the higher education institutions wish to provide clear, accessible and unambiguous information on the quality of the study programme, their position within the Dutch system of higher education, 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 Dutch government's internationalisation policy instruments provided that the institution maintains a proper relationship with the international student;

The Dutch government assumes that higher education institutions that subscribe to, implement and support this Code of Conduct act with due care towards the international student;

The Dutch government has decided that the signing of the Code of Conduct by the higher education institutions is a precondition for granting residence permits to non-nationals of the EU/EEA or Switzerland to study at the level of higher education;

Through its offices abroad, the Dutch government supports and provides relevant information to higher education institutions that subscribe to, implement and support 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 and to act in the spirit of the Code of Conduct with respect to matters not set out in the Code of Conduct;

In order to achieve the abovementioned objectives, further agreements should be made to have the Code of Conduct be supplementary to the existing legal framework. The existing legal framework includes at any rate Articles 7.28 of the Higher Education and Research Act (*WHW*) and 3.41 of the Aliens Decree 2000 (*Vreemdelingenbesluit*) and Chapter B6 of the Aliens Act Implementation Guidelines 2000 (*Vreemdelingencirculaire*).

The higher education institutions have agreed to comply with the following lines of conduct and acts:

1 Definitions

Agent:

An individual, company or other organisation that, provides services whether or not on a commercial basis, to prospective international students desiring to study in the Netherlands or that provide services to higher education institutions to recruit international students.

Parties concerned:

The international student, the registered higher education institutions, the Netherlands Association of Universities of Applied Sciences (*HBO-raad*), Platform for Approved and Recognized Private Higher education institutions in the Netherlands (*PAEPON*), Council of Institutions for Postgraduate International Education in the Netherlands (*SAIL*) and the Association of Universities in the Netherlands (*VSNU*), as well as the Ministries of Foreign Affairs (*BZ*), Education, Culture and Science (*OCenW*), Agriculture, Nature and Food Quality (*LNV*) and Justice.

Code of Conduct:

The current Code of Conduct for international students in higher education.

International student:

A student with a foreign nationality who, or in case of a third-country national on the basis of a residence permit granted to this effect, desires to continue his/her education at an higher education institution in the Netherlands.

Higher education institution:

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 higher education accredited by the Accreditation Organisation of the Netherlands and Flanders (NVAO) or by comparable accreditation frameworks and that has signed this Code of Conduct and has been registered as a participating institution by the Register Administrator.

National Commission:

The commission as referred 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 Information Management Group (*Informatie Beheer Groep [IB-Groep]*) or its legal successor.

Education:

All higher education - including the preparatory year - that is offered to international students by or under the responsibility of the higher education institution.

Preparatory year:

Preparatory education - including preparatory language education - lasting no more than one year, which is offered to international students by or under the responsibility of the higher education institution with the objective of admission to the regular study programme.

Admission to the study programme:

The positive outcome of the evaluation by the higher education institution of at least preparatory education, language skills and diplomas of the international student who requests to be admitted and registered for a specific study programme.

Registration:

The administrative action by the higher education institution upon the request of the admitted international student with the ensuing rights and obligations related to following educational programmes.

Umbrella organisations:

HBO-raad, PAEPON, SAIL and VSNU.

Third-country nationals:

International students from other countries than Switzerland or the Member States of the EU/EEA.

Reference period:

The period in which an admitted international student is registered at one and the same higher education institution.

Proportional nominal study load:

The nominal study load for one academic year (registration period).

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 policies guaranteeing such quality;
 - c. a description of the study programme and the certificate that will be obtained, and the examination regulations (or comparable regulations) or a summary thereof;
 - d. the admission requirements of the study programme, including policies for admission and registration and the associated costs;
 - e. the language of teaching;
 - f. supplementary charges required by the higher education institution from the international student for the abovementioned services or for services as referred to in Sections 3, 4 and 5;
 - g. the standardization of the student progress as referred to in Section 5, including the agreement request as referred to in Article 4.7;
 - h. this Code of Conduct.

The abovementioned information preferably includes a description of the knowledge and skills that the international student will have acquired after having successfully completed the study programme,.

- 2.2 The information provided by the higher education institution to international students based on this Code of Conduct is to be in English or in 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 advertising and presentations clearly indicate the nature of the higher education institution and its education programmes.

When recruiting international students, it will act in accordance with the rules and standards laid down in the Advertising Code of the Netherlands Advertising Code Commission (Nederlandse Reclame Code Commissie), particularly general code (I) and the special advertising code for courses(II-b). The higher education institution uses a name in the English language that clearly reflects the nature of the institution.

3 Agents

- 3.1 If the higher education institution commissions 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 recruitment process can be contracted out partly or wholly, but the higher education institution remains responsible for the admission of international students.
The higher education institution only hires agents to recruit international students who have extensive knowledge of the Dutch higher education system and will not hire agents of questionable integrity and honesty. The higher education institution ensures that its agent has access to current and adequate information of the educational programmes of the institution.
- 3.2 The higher education institution will conclude a written agreement with anyone granted the competency as an agent to recruit international students. The agreement sets out the mutual responsibilities of the agent and of the higher education institution and specifies the requirements of the Code of Conduct that must be met. In addition, the agreement includes clauses on the supervision of the activities of the agent including corrective measures as referred to in Article 3.7 and the conditions for termination of the agreement, including the compulsory immediate termination in the circumstances as referred to in Article 3.8.
- 3.3 The higher education institution does not conclude any agreements with an agent if they are aware of or can reasonably suspect that the agent is involved in, or in the past has been involved in unfair practices, including deliberately recruiting international students who cannot meet the educational requirements, and/or recruiting international students of whom the agent is aware or can reasonably suspect that they cannot meet the admission requirements of the aliens law.
- 3.4 The international student pays the study costs and any admission fees to the higher education institution or, in case of joint or double degree programmes, to the designated (foreign) higher education institution.
- 3.5 If recruitment or broker costs are to be paid to the agent, the agreement between the higher education institution and the agent must set out who pays these costs to the agent. On the basis of Article 2.1, the international student must be clearly informed on the contents of this provision in the agreement.

- 3.6 The higher education institution will make arrangements with the agent concerning supervision of his acts. The higher education institution also regularly informs itself of the experiences of international students. Upon request of the National Commission (see Section 7), the higher education institution provides the agreements with agents for inspection. The higher education institution sets out in agreements with agents that the agreement can be provided to third parties for inspection.
- 3.7 The higher education institution immediately takes corrective measures if it becomes aware that an agent is behaving in a negligent, careless or incompetent manner, or is involved in false, misleading or unethical advertising and recruitment, including activities that can damage the good name of Dutch higher education.
- 3.8 If a higher education institution has concluded an agreement with an agent and subsequently obtains knowledge or may reasonably suspect that the agent, or the person working for him/her, is charging recruitment or broker costs to the international student contrary to the provisions of the agreement based on Article 3.5, the agreement will be terminated immediately. In addition, the agreement will be terminated with immediate effect as soon as the higher education institution obtains knowledge or may reasonably suspect that the agent, or the person working for him/her, is acting in conflict with the provisions of Article 3.3.

4 Admission to and registration in the study programme

- 4.1 An international student who applies for admission and registration with the higher education institution must demonstrate the required preparatory education, sufficient language skills (see Article 4.2), and diplomas required for admission to the specific study programme. 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 With respect to the education it offers to international students, the higher education institution determines the minimum language requirements that the international student must meet and makes sure that he/she actually meets these requirements.

For study programmes in Dutch, the provisions of Article 7.28, second paragraph WHW apply.

For study programmes in English, a minimum of an academic IELTS test with an overall band score of at least 6.0 (six) for the B and M level is required.

For preparatory education with a length of 6 up to 12 months, a minimum requirement of 5.0 IELTS applies; for preparatory education of 6 months or shorter, a minimum requirement of 5.5 IELTS is required.

For the scores of other accepted language tests than IELTS, the table below¹ applies:

IELTS, TOEFL, TOEIC and Cambridge ESOL scores					
IELTS	TOEFL Paper	TOEFL Computer	TOEFL Internet	TOEIC₂	Cambridge ESOL
7.5	625	263	113	790	CPE - C
7.0	600	250	100	780	
6.5	575	232	90	720	CAE - C
6.0	550	213	80	670	
5.5	525	196	70	620	FCE - C
5.0	500	173	60	600	

The higher education institution or sector using other language tests or scores than set out in the table above, submits a request to the National Commission supported by an independent and external opinion of the RCEC stating that the tests or scores concerned are comparable with the IELTS tests and scores.

- 4.3 Contrary to the provisions of Article 4.2, a higher education institution may exempt international students who have had their preparatory education in a country where English is the official working and educational language, from having to take a mandatory language test. The National Commission may request that the higher education institution provides a statement from the NUFFIC, confirming that the preparatory education has been followed in the English language.

The higher education institution for applied science programmes in the area of arts may refer to modified requirements for the level of English language skills. This concerns study programmes registered in the study programmes in the area of arts of the module Language and Culture in the CROHO. With respect to these study programmes, legal supplementary requirements (Article 7.26a WHW) apply, primarily in connection with the required artistic quality. These study programmes assess the English language skills within the framework of the selection process and students are therefore exempted from the obligation to take a language test as described in Article 4.2. In view of the special nature of these study programmes, the examination board determines the desired language level and sets this out in the Education and Examinations Regulations.

¹ The table is not meant to mutually compare language tests and/or scores. It is only meant to formulate the minimum scores for the accepted language tests referred to for the admission of international students.

² As long as the modules 'Speaking and Writing' and 'Listening and Reading' were successfully completed.

- 4.4 If the international student either does not meet the requirements set out by the higher education institution and/or the study programme or does not obtain a place due to admission quota, the higher education institution notifies the international student in writing providing a motivation of any refusal to admit and/or register the international student. The higher education institution also indicates any legal remedies that the international student can resort to with respect to the refusal.
- 4.5 The higher education institution may charge a fee for assessment of language skills, preparatory education, and diplomas. In accordance with Article 2.1, the higher education institution will be obliged to notify the international student accordingly.
- 4.6 The higher education institution making the admission and/or registration to the study programme contingent on the successful completion of a preparatory year, will ensure beforehand that the international student can be expected to successfully complete the preparatory year.
- 4.7 As part of the registration process, the higher education institution requests the admissible third-country national to agree in writing with the procedure used by the higher education institution to report the third-country national to the IND (whether or not with prior notice), in case the registration is terminated or after having established that the third-country national has not made satisfactory student progress as referred to in Articles 5.5 and 5.6

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 Register Administrator publishes a list of such accreditation organisations.

Short term courses and customised programmes at the level of higher education may also be offered to international students. If these are recognisable as a part of an accredited bachelor or master programme, the quality of these study programmes is guaranteed as such. If the course or customised programme cannot be identified as an accredited bachelor or master programme, the institution demonstrates the quality of the programme in question by means of quality assurance that is based on the frameworks and procedures of the quality assurance system accredited by the Dutch government (see the Appendix).

- 5.3 The higher education institution will ensure that teachers have sufficient command of the language in which the study programmes are being taught.

5.4 The higher education institution makes clear which services it provides to international students with respect to obtaining a visa and a residence permit, housing, introduction and assistance. In accordance with Article 2.1, the higher education institution clearly specifies in its information material which services it provides and what the associated costs are.

5.5 At the end of each academic year, the institution determines the annual student progress of the international student. Satisfactory student progress is considered: 50% (or more) of the proportional nominal study load for a full or partial academic year.

Contrary to this, international students must successfully complete the preparatory year.

In case of insufficient student progress, the institution will examine the cause, for instance by conducting a student's progress discussion with a student advisor.

In case the international student does not study at all, does not study enough or cannot handle the level, the IND is notified of the lack of progress of the third-country national within one month after establishing the fact.

In case of personal circumstances as referred to in Article 7.51 WHW as well as in Article 2.1 of the WHW Implementation Decree, which can be regarded as valid reasons for unsatisfactory student progress, binding agreements are made with the international student to catch up arrears so that the study can be completed in time. In such cases the IND will not be notified of the lack of progress of the third-country national.

Only one exception for not notifying the IND about the lack of progress of the third-country national as a result of the same personal circumstances will be made per reference period per international student.

The institution records any unsatisfactory progress and any personal circumstances as well as, in case of a third-country national, the fact that the IND was not notified (see the Appendix).

5.6 The IND will be informed as soon as the institution establishes the fact that a third-country national has terminated his/her registration at the institution.

5.7 The higher education institution is obliged to actually provide the study programme offered. If the study programme is cancelled for valid reasons, cancellation cannot take place after three months prior to the commencement of the study programme, with the exception of short term courses and customised programmes. If the international student is already in the Netherlands with the objective to follow this study programme, the higher education institution is obliged to find a suitable alternative in consultation with the international student, and to inform the international student which procedures must be followed to that effect.

6 Register of participating higher education institutions and the tasks and authorities of the Register Administrator

- 6.1 The higher education institution requests the Register Administrator for inclusion in the Register, and provides the signed Code of Conduct.
- 6.2 The Register Administrator publishes the Register on its websites and in other publications, in Dutch and in English. The Rules and Regulations forming part of this Code of Conduct contain further provisions pertaining to the register .
- 6.3 Based on the information provided by the applicant, the Register Administrator decides within a month and informs the applicant in writing of the decision. The application is rejected, if the applicant does not meet the conditions and obligations as referred to in the Code of Conduct, including the accreditation of study programmes by accreditation organisations that are not included in the list as referred to in Article 5.2. The application is also rejected if it is submitted before the period as referred to in Article 7.8 has passed.
- 6.4 A higher education institution may either be removed from the Register by the Register Administrator at its own request or by order of the National Commission in accordance with the provisions of Article 7.8.
- 6.5 The Register Administrator publishes addition to or removal from the Register of a higher education institution on its websites. The Register Administrator includes the reason for the removal.
- 6.6 Without prejudice to the other tasks referred to in this Code of Conduct, the tasks of the register administrator consist of:
 - a) registering complaints;
 - b) preparing annual reports for approval by the National Commission;
 - c) providing information to parties concerned.
- 6.7 Complaints concerning the Register Administrator can be submitted with the chair of the National Commission, after the internal complaint procedure of the register administrator has been completed.

7 National commission

- 7.1 The umbrella organisations will establish a National Commission and define the competences of this commission. The umbrella organisations appoint members to the National Commission for a (renewable) term of office of three year. The Register Administrator informs the parties concerned of the composition of the National Commission.

7.2 The National Commission is independent and consists of six members. The *VSNU* appoints two members and two substitute members, the *HBO-raad* appoints two members and two substitute member, *SAIL* appoints one member and one substitute member and *PAEPON* appoints one member and one substitute member. The National Commission appoints a chair who is not a part of the circle of interested parties.

Should any complaint relate to or originate from a higher education institution that has a member in the Commission, the member concerned steps down and is replaced by a substitute member from another higher education institution.

7.3 The task of the National Commission is to monitor compliance with the Code of Conduct and to assess the actions of the higher education institutions in the light of the Code of Conduct. The commission does so by, among other things, dealing with petitions that may be submitted based on the Code of Conduct in accordance with the procedure as described in Section 4 of the Rules and Regulations.

7.4 After consulting with the umbrella organisations, the National Commission draws up Rules and Regulations that form an integral part of this Code of Conduct so that the Commission can perform its tasks. These Rules and Regulations also specify the petitions (see Article 7.6) interested parties can submit, how these are handled and what the possible sanctions are if the petition is considered well-founded.

7.5 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.

Prior to lodging a petition with the Commission, the petitioner first submits the complaint to the competent authority of the higher education institution.

The higher education institution ensures that existing or, if necessary, new internal complaint procedures are available for complaints under the Code of Conduct.

7.6 If the petitioner is of the opinion that the higher education institution has not settled a complaint properly or is still of the opinion that the higher education institution does not comply with the Code of Conduct, he/she may submit the reason for the complaint, and the response thereof received from the higher education institution, to the National Commission.

7.7 If after hearing the arguments of both parties, the National Commission establishes that a higher education institution does not comply with this Code of Conduct, the Commission informs the higher education institution and the person submitting the request 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 under which conditions the higher education institution can be included in the register again.

- 7.9 The National Commission notifies the higher education institution, the petitioner, the IND and OCenW of its decision in writing within one month.
- 7.10 The Register Administrator acts as secretary of the National Commission. The secretary informs the Education Inspectorate of all well founded petitions that have been submitted to the National Commission.

8 Commencement date and modifications

- 8.1 The modifications to the Code of Conduct take effect on 4 December 2009.
- 8.2 If a party concerned proposes a modification to the Code of Conduct because of legislative requirements, or when modifications to the Code of Conduct are desirable or necessary for other reasons, the proposed modification is submitted to the umbrella organisations. Modifications can only be effective after the National Commission has given its approval based on recommendations by the umbrella organisations, unless mandatory legislation prohibits this. The Register Administrator ensures publication of the modification and distribution of the modified Code of Conduct.
- 8.3 After five years, the content and operation of the Code of Conduct is evaluated by, in any event, 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 2015. The initiative for the evaluation will be taken by the National Commission.

Appendix

The new text of the Code of Conduct and the associated Rules and Regulations come into effect on 4 December 2009. However, transitional arrangements apply in relation to Articles 5.2 and 5.5:

Article 5.2: Accreditation non-degree study programmes

The accreditation of non-degree study programmes that do not belong to, form part of, or are derived from an already existing accredited bachelor or master programme, form part of a quality assurance system recognised by the Dutch government. As soon as the procedure is in force, the period will be determined in which the institutions must have accredited their non-degree study programmes referred to herein.

Article 5.5: Unsatisfactory student progress procedure

The provisions of Article 5.5 now specify the entry into force of the Modern Migration Policy Act in 2011. The provisions of the current Article 5.5 apply until then:

As soon as the higher education institution becomes aware that the international student no longer follows the study programme without having urgent or important reasons for this, the higher education institution notifies the Immigration and Naturalization Service (IND). The higher education institution indicates upon request how this obligation will be carried out.

Explanation

Article 5.2

Article 5.2 also discusses non-degree study programmes. These are study programmes which do not lead to a bachelor or master degree, but are at the higher educational level, often concerning short term courses and customised programmes. Separate accreditation of each of these study programmes is not efficient in view of their temporary nature. Some study programmes do meet the requirements in Article 5.2, because they belong to, form part of or are derived from an already existing accredited bachelor or master programme. Hence, no separate transitional provision will be necessary for those study programmes and courses. Some institutions offer specific courses that are not recognised as existing accredited bachelor or master programmes. A quality assurance system that is recognised by the Dutch government will be developed for those institutions. Until then a transitional period applies.

At this time, the idea is being developed that the accreditation of a part of the non-degree study programmes could form part of the institutional audit in the new accreditation system. As an addition, a quality assurance system recognised by the government must be developed for those cases where the institutional audit procedure has not been or cannot be completed. As soon as the procedure has been determined and put in force, the umbrella organisation, OCenW and the NVAO together determine the period in which the institutions must accredit the non-degree study programmes referred to herein.

Article 5.5

Article 5.5 contains text that has been discussed with the Ministries of Justice; Education, Culture and Science; and Social Affairs. The article contains a regulation that is part of the Modern Migration Policy; cabinet plans to simplify migration legislation.

Proposed simplifications for the higher education institutions consist of, among other things, the type of residence permits to be granted to international students for the duration of the educational programme, so that it would no longer be needed to extend a residence permit on an annual basis. Also changes in discipline or higher education institution will no longer result into a mandatory status change of the residence permit.

On the other hand, institutions must keep track of the student progress of international students and must notify the IND if the minimum level of 50 percent of credit points that must be achieved in one year has not been attained.

The Modern migration policy is expected to take effect in 2011. The new Article 5.5 will not take effect until then. Until that time, the text of the current Article 5.5 will apply.

In order to give institutions the opportunity to prepare record-keeping systems and communications for future students, it has been decided to include the new article in the Code of Conduct. This way, any potential problems may be recognized at an early stage. In co-operation with the sector organisations, the National Commission will compile a summary of experiences with the system.

List of abbreviations

BZ:	Dutch Ministry of Foreign Affairs
CAE:	Cambridge Certificate in Advanced English
CPE:	Cambridge Certificate of Proficiency in English
CROHO:	Central Register of Higher Education Study Programmes. Degree programmes that are officially recognized are registered in CROHO
ESOL:	English for Speakers of Other Languages
FCE:	Cambridge First Certificate in English
HBO-raad:	Dutch Association of Universities of Applied Sciences
IB-Groep:	Information Management Group - This body administers the national system of student grants.
IELTS:	International English Language Testing System
IND:	Dutch Immigration and Naturalization Service
LNV:	Dutch Ministry of Agriculture, Nature and Food Quality
NUFFIC:	Dutch Organisation for International Cooperation in Higher Education
NVAO:	Accreditation Organisation of the Netherlands and Flanders
OCW:	Dutch Ministry of Education, Culture and Science
PAEPON:	Platform for Approved and Recognized Private Higher education institutions in the Netherlands
RCEC:	Research Center for Examination and Certification
SAIL:	Council of Institutions for Postgraduate International Education in the Netherlands
TOEFL:	Test of English as a Foreign Language
TOEIC:	Test of English for International Communications
VSNU:	Association of Universities in the Netherlands
WHW:	Dutch Higher Education and Research Act