

# Annual report

National Commission  
*Code of Conduct*  
Higher Education

**2010**



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# Chapter 1

## *Preface*



This is the annual report 2010 of the National Commission Code of Conduct. In this report, the National Commission gives an account of its activities of the past year and charts the course for 2011.

The year 2010 was dominated by the implementation of the revised Code of Conduct, which came into effect on 4 December 2009. The National Commission performed its supervisory function by handling complaints and petitions, and more in particular by carrying out the research assignment which was made official during the evaluation of the Code of Conduct. Chapter 4 will deal with this issue more in-depth.

In the academic year 2009-2010 about 76,000 foreign students studied at Dutch higher education institutes, as appears from the data given by Nuffic. About 51,000 of them came to the Netherlands for a complete study (certificate mobility): 33,000 originated from EU/EER; about 18,000 from outside this region. In the calendar year 2010 the Dutch Immigration and Naturalisation Service (IND) granted 8,260 residence permits to students from outside the EU/EER; 900 residence permits for 'additional exams' and 7,360 residence permits for 'study higher education'. Table 1 and 2 list - based on data by the IND - the ten nationalities of students with the largest number of applications for visa in 2010 (for both 'additional exams' and 'study higher education') and the ten educational institutes that admitted the largest numbers of these students in 2010.

**Table 1.**  
Nationalities in 2010 in absolute numbers

	Nationality	2010
1.	Chinese	2.220
2.	Turkish	660
3.	Indonesian	620
4.	Indian	430
5.	Russian	300
6.	Mexican	230
7.	Iranian	220
8.	Ethiopian	200
9.	Colombian	180
10.	Vietnamese	180

**Table 2.**  
Quantity per institute in 2010 in absolute numbers

	Institute	2010
1.	University of Groningen	580
2.	Delft University of Technology	530
3.	Erasmus University Rotterdam	510
4.	Maastricht University	500
5.	Wageningen UR	490
6.	University of Amsterdam	380
7.	Tilburg University	370
8.	Saxion University of Applied Sciences	350
9.	Fontys University of Applied Sciences	330
10.	Eindhoven University of Technology	270





## Chapter 2

### *The National Commission*



The tasks and activities of the National Commission can be seen on the website of the Code of Conduct ([www.internationalstudy.nl](http://www.internationalstudy.nl)), as this site publishes the various documents on the subject. The National Commission takes modest pride in stating that its new company style was launched in the middle of 2010. The National Commission is of the opinion that the fresh yet businesslike appearance strengthens its work and position.

The National Commission operates independently and consists of a chairperson and six members. Chairperson is R. Fernhout (prof. mr.), former National Ombudsman. The umbrella organizations appoint the members and the substitute members. One of these members is appointed substitute chairperson. In 2010 a number of changes in the composition of the National Commission took place; the Association of Universities in the Netherlands (VSNU) replaced a member and a substitute member and furthermore the Association international education (SAIL) and the Association of Universities of Applied Sciences (HBO-raad) appointed new substitute members.

**Table 3.**  
Table 3. Composition National Commission (on 31 December 2010)

Post	Name	Background	Organization
chairperson	R. Fernhout	Former National Ombudsman	-
member / substitute chairperson	J. Donner	Chairperson Royal Tropical Institute	SAIL
member	K.S. Ali	Director Education and Student Service Centre/ International Relations TU Eindhoven	VSNU
member	F.A. van der Duyn Schouten	Chairperson Netspar, Tilburg University	VSNU
member	C. Boom	Former chairperson Saxion University of Applied Sciences	HBO-raad
member	F. Kuipers	Former chairperson NHL Hogeschool Leeuwarden	HBO-raad
member	H.A.M.F. Keijzer-Lambooy	Former director ITV Hogeschool voor Tolken en Vertalen, former inetrim chairperson PAEPON	NRTO
substitute member	J. Bonnink	Coordinator strategic educational policy VU University Amsterdam	VSNU
substitute member	M.C. Gardeur-Veltman	Advisor International affairs University of Groningen	VSNU
substitute member	G. Strijker	Board member ArtEZ Institute of the Arts	HBO-raad
substitute member	H.M. de Jong	Board member University of Applied Sciences Utrecht	HBO-raad
substitute member	L. Johnson	Head Executive Office ISS, Erasmus University Rotterdam	SAIL
substitute member	J. Dop	Advisor and lecturer Webster University Leiden	NRTO

In 2010 the National Commission met 9 times. In a number of cases a meeting was followed by a hearing as part of the petitions procedure. Furthermore, in its administrative consultations and discussions with government bodies such as the ministry of Education, Culture and Science; the ministry of Justice; the Accreditation Organisation of the Netherlands and Flanders (NVAO); the IND; the umbrella organisations; Nuffic; the Research Center for Examinations and Certification (RCEC) and the Dutch Inspectorate of Education, the National Commission asked for effective observance of the conditions of the Code of Conduct and asked for attention for the interests of international students. The National Commission accentuated this by its letter to the permanent committee for Education of Dutch parliament, in which the National Commission made a plea to incorporate in the legislative proposal regarding a new accreditation framework, a system of quality assurance with respect to non-degree courses and made-to-measure routes. In the final wording of the Act, quality assurance was adopted as a voluntary measure.

In January 2010, the National Commission sent all institutes listed in the Register of the Code of Conduct a letter to remind them of the obligations resulting from the Code of Conduct regarding accreditation of their educational programmes and of the necessity of straightforward and accessible information on the subject. The letter also stated the likelihood of an investigation by the National Commission. Please refer to chapter 4 for this subject.

Until autumn 2010, the Dutch government intended to introduce the Modern Migration Policy Act on 1 January 2011, which would simplify a number of procedures for application or extension of a residence permit. The IND set up an experimental laboratory in the 'Study' segment to test in cooperation with a number of universities and hogescholen the monitoring of study progress and the effects of the notification obligation as stipulated in the Code of Conduct. The IND asked the National Commission to take part in the execution and evaluation of this pilot project.

Furthermore, the National Commission followed the developments of the NVAO certificate internationalisation (pilot project) and the introduction of a new accreditation framework. Finally, the National Commission was represented in the jury that awarded the Orange Carpet Award 2010 to Delft University of Technology during the Nuffic Annual Convention.

As the IB-Groep (Information Management Group), which supplies a secretary and a researcher to the National Commission, merged with the Central Funding of Institutions Agency on 1 January 2010 and as such has become part of the ministry of Education, Culture and Science, the National Commission and the ministry strive to lay down into an agreement the autonomy, tasks and responsibilities of both parties early 2011.

# Chapter 3

## *Petitions*



The National Commission is appointed to supervise and test that higher education institutes observe the Code of Conduct in their procedures. One way of effectuating this is to handle petitions that have been submitted on the grounds of the Code of Conduct. Another way for the National Commission is to take the initiative of investigation (see Chapter 4).

The decisions and findings of the National Commission are published on the Code of Conduct's website: [www.internationalstudy.nl](http://www.internationalstudy.nl). In 2010 four petitions were submitted. Besides that, in the beginning of 2010 two petitions dating from 2009 were completed. At the end of 2010 all petitions were completed.

The two petitions of 2009 both regarded a complaint of a university of applied sciences regarding two other universities of applied sciences that used their own language tests for assessing the English language requirement. These procedures were deferred for some time in order to give the institutions the opportunity to have an equivalence investigation to be carried out by the RCEC into the comparability of the institutes' own language tests with the IELTS test. After a hearing in January 2010, the National Commission pronounced its decision in both procedures in February 2010.

Two of the new petitions were withdrawn after a brief period. One of the petitions was submitted by an educational institute and directed at the State of the Netherlands, in particular the IND; the other was submitted by a former student and directed at his former educational institute. The petitions were withdrawn when after inquiry it became unclear whether the National Commission was competent for the case and it turned out that the complaints procedure with the educational institute concerned had not been (fully) followed.

Three months later the National Commission received another two extensive petitions from the same student and from a second former student. Completion of these took quite some time as information had to be obtained from the NVAO, a combined hearing had to be organised and a site investigation had to be carried out. After the National Commission pronounced its decision, the decision was published in both Dutch and English. The decision contains the judgement of the grievances as well as a number of recommendations and measures.

Three months later the National Commission received two extensive petitions by the student mentioned earlier and by a second former student of the same educational institute, concerning the alleged violation of the Code of Conduct by the educational institute, with regard to the internal complaints procedure, the presentation of the educational programme, the accreditation of the study programme, the linguistic skills of its teachers and compliance with the admission requirements.

Completion of these extensive files took much time, as information had to be obtained from the NVAO, a combined hearing had to be organised and the student files from the educational institutes involved had to be examined. After the National Commission pronounced its decision, in which the petition was partly upheld, the decision was published in both Dutch and English. The decision contains the judgement of the grievances as well as a number of recommendations and measures.

The decisions and findings of the National Commission are published on the Code of Conduct's website: [www.internationalstudy.nl](http://www.internationalstudy.nl).



# Chapter 4

## *Research*



The research function of the National Commission is inextricably linked with the Commission's supervisory tasks. This is also proven by the evaluation of the Code of Conduct (beginning of 2009). Although it is expressly stated that the National Commission is not an inspectorate, its autonomous control is enhanced by the fact that it can come into action in case of any violation of the conditions of the Code of Conduct. Not by merely responding to petitions, but also by investigating signals and risks. In 2010 this has led to engaging an employee from the organisation of the Register Administrator for the research function. The researcher will also act as the substitute secretary of the National Commission, as such decreasing any underperformance risk and ensuring continuity.

In 2010 the National Commission shaped this task in a number of ways. Firstly, in the beginning of 2010 an investigation that was started in 2009 was continued. This investigation regarded the educational institute's own English language test and the accreditation of the (degree issuing) study programme of the higher education institute. After having heard the institute, the National Commission pronounced its decision, which included a measure to be taken, in March 2010. As this institute failed to comply with the measure, the National Commission imposed the ultimate sanction: to strike this institute from the Register of the Code of Conduct (see Chapter 5).

In the second quarter of 2010, the National Commission instigated an investigation - after having received several signals - into the content and application of the exceptional provision concerning the language requirement of the revised Code of Conduct regarding (part of) art education. The study programmes and the institutes for the investigation were selected from the CROHO register. At the end of 2010 the conclusions were presented for comment to the institutes involved; in the beginning of 2011 the final report will be published by the National Commission.

Finally, at the end of 2010 an investigation was started into the information about the accreditation status of the study programmes presented by higher education institutes. The National Commission had sent a memorandum to announce this investigation early 2010. The National Commission attaches much value to clear information, as offering study programmes that were not, or not sufficiently, rated in the accreditation framework is at odds with the Code of Conduct.

Moreover, these institutes are not entitled to grant (legally protected) degrees or academic titles. This investigation is expected to be completed in May 2011.

The conclusions of the investigations by the National Commission are published on the Code of Conduct's website: [www.internationalstudy.nl](http://www.internationalstudy.nl).



# Chapter 5

## *The Register*



On 1 January 2010, 85 higher education institutes were listed in the Register of the Code of Conduct. The IB-Groep (as from 1 January 2010 Dienst Uitvoering Onderwijs [DUO]) has been appointed by the umbrella organisations and is recognised by the ministries of OCW and Justice as the Register Administrator of the list containing institutes that signed the Code of Conduct.

In 2010 the Register Administrator received five applications for inclusion on the list. During the procedure two institutes withdrew their applications as they could not meet the demands. Three applications were granted and these institutes are now listed in the Register. No applications were denied.

Unparalleled is the fact that for the first time since the existence of the Code of Conduct, institutes were struck from the Register. In three cases these institutes no longer existed as independent institutes and had merged with another institute (ISS and IHS with EUR, and ITC with UTwente), which is why they were struck from the Register.

In another case, the National Commission had imposed a measure resulting from an investigation into the application of the language requirement, which measure was not executed by the institute. After having issued several warnings, the National Commission decided to strike this institute from the Register.

Thus, the Register contained 84 higher education institutes by 31 December 2010. At that time no applications for inclusion in the Register were under consideration.

The Register of the Code of Conduct contains the following numbers of educational institutes that are related to an umbrella organisation: 14 members of VSNU, 41 members of the HBO-raad, 3 members of SAIL and 7 members of NRTO. 19 educational institutes in the Register are not affiliated with an umbrella organisation.

In 2010, and likewise in 2009, the National Commission received no petitions concerning the services of DUO as the Register Administrator (2008: 1 petition).

To support its tasks as the Register Administrator, DUO developed a website ([www.internationalstudy.nl](http://www.internationalstudy.nl)), which contains the list of registered higher educational institutes, information for the international student and the institutes, and information about the National Commission.

The Code of Conduct's website also contains a list of advanced art education institutes and a list of knowledge centres with study programmes in the field of international development cooperation. This combines on one single website all information needed by the Immigration and Naturalisation Service for assessing applications and extensions of residence permits regarding studies at a higher education institute.

In 2010 the website [www.internationalstudy.nl](http://www.internationalstudy.nl) received over 17,000 visits, averaging 330 visitors a week. Visitors originated from over 25 countries. The top 10 of these countries is listed in Table 4.

**Table 4.**  
Visitors per country in 2010

	Country	Number	Percentage
1.	The Netherlands	4469	25,6 %
2.	Germany	1154	6,6 %
3.	Indonesia	988	5,6 %
4.	China	864	4,9 %
5.	United States	658	3,7 %
6.	India	542	3,1 %
7.	Vietnam	392	2,2 %
8.	United Kingdom	376	2,1 %
9.	Russia	328	1,8 %
10.	Roemania	308	1,7 %

Data from Sitestat, a Nedstat application.



# Chapter 6

## *A look ahead*



The National Commission will continue its ordinary work regarding handling petitions, and will continue to initiate investigations regarding the application of the provisions of the Code of Conduct. In particular, the National Commission will focus in 2011 on the information educational institutes give about study programmes to international students, especially in those cases where NVAO accreditation or the 'civiel effect' (condition for admission to the legal professions or judiciary) are lacking.

In consultation with the umbrella organisations and stakeholders of the Code of Conduct, the National Commission will discuss the effects of the political reform that in October 2010 led to the extension of the state of the Netherlands by adding Bonaire, Sint Eustatius and Saba (formerly public bodies). Furthermore, the National Commission plans to discuss with the umbrella organisations the establishment of a relief fund. The reason for this is the closure and liquidation of an educational institute in The Hague in 2010, that led to the evaporation of tuition fees paid in advance by students and prospective students from abroad. This is not merely a personal drama, but is damaging to the reputation of Dutch higher education.

The National Commission will continue to coordinate talks about determining a list of countries that can be used by the educational institutes for granting exemption of the English language requirement for foreign students. Since the Information Management Group ceased to exist as an autonomous administrative authority and as DUO has become part of the ministry of OCW, the National Commission will lay down its tasks and responsibilities in an agreement with DUO early 2011.

It is expected that in the course of 2011 the Modern Migration Policy Act will come into effect yet. In consultation with the ministry involved, the National Commission will monitor the interrelationship between legislation and self-regulation, as in the future framework no differing effects may exist between the tasks of the Register Administrator and the National Commission (application and upholding of the Code of Conduct) and the tasks of the Immigration and Naturalisation Service (application and upholding of the Modern Migration Policy Act). The Inspectorate of Education will be involved in this as well.

Finally, in 2011 the National Commission will continue to give greater publicity to the Code of Conduct by, for instance, presentations on the subject and possibly a brochure. In the opinion of the National Commission, care for quality for the international student should be essential in the discussions with and between educational institutes, government and other organisations.



# Chapter 7

## *Finance*



The budget for the execution of the Code of Conduct is granted by the ministry of OCW and controlled by DUO. Table 5 lists the actual figures 2010 and the forecast 2011, based on data given by DUO.

**Table 5.**  
Financial statement Code of Conduct 2010 and 2011

	Forecast 2010	Actual figures 2010	Forecast 2011	Notes
Staff (costs + surcharges)	170.000	170.000	170.000	Staffing plan secretary and researcher = 1.6 FTE
Operation costs	9.000	14.000	11.000	Meetings, printing, translation Code of Conduct, Rules and regulations, and decisions.
Attendance fees NC	31.000	27.500	31.000	See below for specification per quarter.
Additional investigation NC	42.500	0	42.500	Budget available, no staff.
<b>Total</b>	<b>252.500</b>	<b>211.500</b>	<b>254.500</b>	

Over the year 2010 attendance fees totalling the amount of 27,344.51 euro were paid. Assignment and payment of attendance fees is done in keeping with the Attendance Fees Regulation, which entered into effect on 1 September 2009 and which is published on the Code of Conduct's website.

**Table 6.**  
Attendance fees, including travel expenses

Periode	2010	2009
Quarter 1	9.300,87	3.006,80
Quarter 2	7.367,87	9.548,40
Quarter 3	6.255,72	1.898,80
Quarter 4	4.420,05	10.342,69
<b>Totaal</b>	<b>27.344,51</b>	<b>24.796,69</b>





# *Appendices*



# 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 in-

struments 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 (Vreemdelingen-circulaire).

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 (OC-enW), 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 (Ne-

derlandse 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 below<sup>1</sup> applies:

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

IELTS	TOEFL Paper	TOEFL Computer	TOEFL Internet	TOEIC <sup>2</sup>	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.

- 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.

<sup>1</sup> 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.

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

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 con-



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

# *Rules and Regulations*

Revised 4 December 2009

## **Section 1.**

Preliminary provisions

Article 1.

Definitions

The definitions given in the Code of Conduct also apply to these Rules and Regulations.

Article 2.

Language

1. The Dutch and English versions of the Code of Conduct are equally legally valid.
2. All communications in relation to international students with respect to the Code of Conduct, the Register, the National Commission and the Rules and Regulations, will be in the Dutch or English language.

## **Section 2.**

The Register

Article 3.

Application

1. The application form for inclusion in the Register is to be signed by the competent authority of the higher education institution, or by the person who is competent to fully represent the higher education institution, as can be established from the Dutch Commercial Register (which includes the Register of Foundations).
2. The application as well as the documents as referred to in paragraph 4 will be submitted in the Dutch or English language.
3. After the Register Administrator has accepted the application form, it will be date-stamped.
4. Applications contain the following information:
  - a. the application form;
  - b. a supporting document which proves that the Code of Conduct was duly signed by the higher education institution;
  - c. a supporting document which proves that the applicant is an higher education institution and that the application is submitted by the competent authority of the higher education institution;
  - d. a supporting document which proves that the study programmes offered to international students satisfy the conditions of Article 5.2 of the Code of Conduct.

Article 4.

Application process

1. The Register Administrator will confirm receipt of the application within three working days.
2. In case the application is incomplete, the Register Administrator requests the missing information to be provided within a stipulated period.
3. In case the information is not provided within the period as referred to in the second paragraph, the application will be deemed to be withdrawn.
4. The application will only be processed after all information and supporting documents forming part of the application have been provided.

Article 5.

Register contents

Every applicant whose application has been granted will be included in the Register. The Register is open to the public. The Register contains the following data:

- a. the name of the higher education institution;
- b. the mailing or visiting address, the internet address and the e-mail address of the higher education institution;
- c. the date of inclusion in the Register;
- d. information concerning the study programmes.

Article 6.

Duration of Registration

1. Inclusion in the Register takes effect on the day on which the application was granted. The institution will be removed from the Register in case of a decision of the National Commission based on Article 7.8 of the Code of Conduct.
2. The institution will subsequently be removed from the Register:
  - a. in case of bankruptcy, moratorium of payment or when the activities are effectively terminated by the higher education institution, and
  - b. when the registration is terminated by the higher education institution.

### **Section 3.**

The National Commission

Article 7.

Task

1. The task of the National Commission is to ascertain that the Code of Conduct is complied with and to check whether the actions of the higher education institution comply with the Code of Conduct. The Commission does so by, for example:
  - a. considering the submitted petitions based on the Code of Conduct, and
  - b. conducting its own investigation into the way in which an higher education institution has acted or is acting under the Code of Conduct. Such an investigation will take place on the basis of indications or a report.
2. Section 4 of these Rules and Regulations contains further provisions to consider petitions. These provisions also apply to conducting own investigations.
3. The National Commission can make recommendations to higher education institutions.
4. The National Commission adopts the annual reports and sees to its publication.

Article 8.

The secretary

1. The secretary of the National Commission originating from the organisation of the Register Administrator will be appointed by the National Commission after being nominated by the Register Administrator.
2. The secretary proposes the agenda for the meetings of the National Commission, and ensures the timely transmission of the documents as well as taking the minutes of the meetings of the National Commission.
3. The secretary keeps records of the fees and other financial means made available to the National Commission by the Dutch Ministry of Education, Culture and Science (Ministerie van OCW).
4. The secretary monitors the preparation and periods of the petitions procedure.
5. The secretary prepares the annual reports.
6. The secretary manages the rotation schedule of the members of the National Commission.
7. The secretary ensures timely processing and notification of modifications in the Rules and Regulations.
8. The secretary performs other tasks; these will be ordered or mandated by the National Commission or by the chair.
9. The secretary may be assisted by an alternate secretary, to whom the provisions of the paragraphs set out above will equally apply.

Article 9.

Convening meetings of the National Commission

1. The National Commission will meet as often as deemed necessary by the chair or by at least two members or their substitutes, but at least once every six months.
2. The venue and the times of the meetings will be decided by the chair.
3. The notice of convocation, the agenda and documents are forwarded by the chair to the members or their substitutes no later than 8 days before the start of the meeting.

Article 10.

Decision-making

Decisions will be made receiving at least two-thirds majority of favourable votes; this includes the chair who also has the right to vote.

#### **Section 4.**

Petitions and investigations on its own initiative

Article 11.

Petitions

1. Anyone with a direct interest has the right to submit a petition in writing concerning the way in which an higher education institution has acted or is acting towards him/her or someone else under the Code of Conduct.
2. The National Commission deals with petitions as referred to in the first paragraph, except in those cases as referred to in Article 17, first and second paragraph.
3. If a petition refers to, or was submitted by a higher education institution with a member holding a seat in the National Commission, that member must delegate his/her seat to a substitute member of another higher education institution.

Article 12.

Preliminary complaint procedure

1. In observance of the provisions of Chapter 7 of the Code of Conduct, the petitioner first lodges a complaint regarding the action to the competent authority of the higher education institution concerned, before addressing the National Commission.
2. The higher education institution establishes a policy for a proper procedure of oral and written complaints.

Article 13.

Submitting a petition

1. A petition always contains:
  - a. the name and address of the petitioner;
  - b. the submission date;
  - c. a description of the action that is the subject of the petition, the name of the person who has acted in this manner and the name of the person towards whom the action has taken place, if he/she is not the petitioner;
  - d. the grounds of the petition;
  - e. the way in which a complaint has been submitted with the higher education institution, and if possible the findings of the investigation of the complaint by the higher education institution, its opinions and any conclusions.

2. In case the petition is written in a different language than the Dutch or the English language, and a translation is needed to properly investigate the petition, the petitioner provides a Dutch or English translation.
3. If the requirements of this article are not satisfied, the National Commission gives the petitioner the opportunity to rectify the omission within a stipulated period.

Article 14.

Confirmation of receipt

1. The secretary will confirm receipt of the petition in writing within five working days after the day of receipt.
2. If the petitioner has been addressed incorrectly, the secretary forwards the petition as soon possible after recording the date of receipt to the correct authority, and notifies the petitioner immediately.

Article 15.

No suspensive effect

Submittal of a petition to the National Commission, directed against a decision with respect to a complaint about an action of a higher education institution, does not suspend the coming into force of the decision.

Article 16.

Costs of the petition procedure

1. Any costs incurred by the petitioner in relation to this complaint<sup>3</sup>, are for his/her own account.
2. Contrary to the provisions of the first paragraph, should in the opinion of the National Commission serious reasons exist, the National Commission can compensate the petitioner after a request to this effect. This compensation will be paid by the higher education institution relating to the petition.

Article 17.

No obligation to process the petition

1. The National Commission can decide not to process a petition, or to discontinue the consideration thereof, if:
  - a. the petitioner does not satisfy the requirements as referred to in Article 13, first and second paragraphs of these Rules and Regulations;
  - b. the petition is manifestly unfounded;
  - c. the interest of the petitioner is manifestly insufficient or the seriousness of the action is manifestly insufficient;
  - d. the petitioner is a different person than the person who was affected by the action and the petitioner has no interest in the complaint;
  - e. the requirements of Article 12, first paragraph of these Rules and Regulations, have not been satisfied;
  - f. the petition refers to an action of which a complaint has been lodged by the higher education institution concerned, unless this complaint should already have been concluded in accordance with the applicable complaint policy of the higher education institution concerned;
  - g. the petition refers to an action against which another procedure has been submitted or another mechanism is already in place;
  - h. the investigation of the petition is already being processed or has been concluded, except if a new fact or a new circumstance has been revealed which could result into a different opinion of said action;
  - i. after intervention by the National Commission and in the opinion of the National Commission, the petition of the petitioner have been met properly;

<sup>3</sup> With respect to costs that the complainant properly incurred in connection with the complaint procedure, such as the fees of a legal assistance counsellor, experts, travel costs and the fee of an interpreter/translator.



- j. the petition refers to an action for which a relevant warrant of arrest has been issued by the public prosecutor or is subject to prosecution, or if the action forms part of the criminal investigation or prosecution of a punishable action and a relevant warrant of arrest has been issued by the public prosecutor or is subject to prosecution.
2. Furthermore, the National Commission may either decide not to consider or to discontinue the procedure if a petition is submitted more than one year after:
  - a. the notification by the higher education institution of the findings of the investigation into the complaint, or
  - b. consideration of the complaint has been concluded by the higher education institution, or should have been concluded in accordance with the prevailing complaint policy at the higher education institution.
3. In case the National Commission does not consider a petition or discontinues the procedure based on the first or second paragraph, the Commission informs the petitioner stating the reasons as soon as possible but no later than 8 weeks after receipt of the petition in writing.
4. Should the National Commission discontinue the consideration, it also informs the higher education institutions as referred to in the third paragraph, and, if applicable, the person whose action is the subject of the petition.

#### Article 18.

##### Consideration

1. The consideration of the petition will be handled by the National Commission, whereby members directly involved in the dispute are represented by their substitutes.
2. A person who has been involved in the action in relation to the petition may not co-operate with the investigation of the petition.

#### Article 19.

##### Explanation of Point of View

1. The National Commission will give the higher education institution, the person who has committed the action related to this petition, and the petitioner the opportunity to explain their point of views.
2. The National Commission decides whether the explanation should be written or oral and whether or not this explanation should be given in each others presence.

#### Article 20.

##### Obligation to provide information

The higher education institution and persons working under its responsibility – even after concluding employment - as well as the petitioner will provide the National Commission the necessary information and appear after receiving an invitation to this effect.

#### Article 21.

##### Periods

1. The National Commission will conclude the petition within twelve weeks after receipt.
2. The National Commission cannot postpone conclusion for more than eight weeks.
3. The secretary gives a written notice of postponement to the petitioner, the higher education institution and to the person whose action is the subject of the petition.

#### Article 22.

##### Findings and opinion

After the procedure has been concluded, the secretary of the National Commission informs the petitioner, the higher education institution, the person whose action is the subject of the petition as well as the Education Inspectorate in writing, supported by reasons of the findings of the investigation into the action and the opinion of the National Commission.

Recommendations, conditions or a disciplinary measure as referred to in Article 23 fourth paragraph, may form part of the opinion.

#### Article 23.

##### Consequences

1. If the National Commission upholds the petition, it can order the higher education institution to make a new decision or perform another action with due observance of its opinion.
2. Part of such opinion may be a compensation of the costs by the higher education institution in relation to the petition, as referred to in Article 16 of these Rules and Regulations.
3. If the National Commission upholds the petition, it can include recommendations, conditions or a disciplinary measure, as referred to in the following paragraph.
4. A disciplinary measure consists of the removal of the higher education institution from the Register.
5. When imposing a disciplinary measure as referred to in the previous paragraph, the National Commission must determine to which period the removal applies to. The length of this period cannot be less than one year.

#### Article 24.

##### Registration and publication

1. The secretary ensures registration of the petitions filed with the National Commission.
2. Registered petitions and conclusions are published in the annual reports, on the Internet site and in publications of the National Commission.

#### Article 25.

##### Petitions concerning the Register Administrator

This section, with the exception of Article 23, paragraph two to five equally apply to petitions concerning the Register Administrator.

### **Section 5.**

#### Final provision

#### Article 26.

##### Commencement date

The modifications of these Rules and Regulations take effect on 4 December 2009.

*Decided upon and established by the National Commission,  
Utrecht, 16 December 2009,*

Prof. mr. R. Fernhout  
*Chair*

mr. A.G.D. Overmars  
*Secretary*