

Annual report 2011

The National Commission
Code of Conduct
Higher Education

April 2012

INDEX

1. INTRODUCTION	page 5
A look ahead	page 8
2. NATIONAL COMMISSION	page 9
3. TASKS	page 13
Petitions	page 15
Research	page 16
4. REGISTER ADMINISTRATION	page 19
5. FINANCE	page 23
APPENDICES	page 27
Code of Conduct	page 29
Rules and regulations	page 41

1



INTRODUCTION

In accordance with article 7 of the Rules and Regulation to the Code of Conduct, the National Commission (hereafter: Commission) gives an account of its activities of the past year. The report also contains a brief outline of the activities of the subsequent year.

For a number of reasons, the item 'internationalization' or rather 'the foreign student' has been discussed in the media and the Dutch parliament with some regularity. The discussions most often concern the quality of the students that have been selected or admitted, and the quality of the courses offered. However, many discussions focus on the costs and the gains of foreign students for Dutch society and economy. In his letter to the Lower House of Parliament¹, the State Secretary for Education, Mr Halbe Zijlstra, explained the benefits of internationalization of Dutch higher education once more:

'Internationalization will stimulate the enhancement of the quality of higher education greatly. When educational institutes widen their international outlook, they will provide their students with better opportunities for the labour market as this is becoming more and more international. The presence of foreign students will have positive effects on the results of Dutch students. Internationalization does not only contribute to quality, but demands quality itself: in order to attract talented students from abroad, quality must be delivered.'(...) 'Quality of both educational programmes and students instead of quantity should be the guiding principle when attracting foreign students and when designing international policies.'

The Code of Conduct Higher Education intends to contribute as a quality tool to the ambitions of the government and the educational institutes regarding internationalization as a means to turn the Netherlands into an attractive destination for knowledge and development. The following table shows the number of foreign students registered for full-time studies in Dutch higher education for the years that the Code of Conduct has been in force.

Foreign students in the Netherlands in absolute numbers²

Academic year	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Outside EU/EEA	16,750	16,450	17,350	17,850	18,200	19,050
Inside EU/EEA	20,450	23,850	27,150	30,400	32,950	37,550
Total	37,200	40,300	44,500	48,250	51,150	56,600

The largest group of foreign students in the academic year 2010-2011 originates from Germany (24,750), followed by China (5,450), Belgium (2,650), Spain (2,050) and France (2,000).

In the calendar year 2011 the Dutch Immigration and Naturalisation Service (IND) granted 10,660 residence permits to students from outside the EU/EEA; 870 residence permits for 'additional exams' and 9,790 residence permits for 'study higher education'.

The following tables list - based on data by the IND - the top ten nationalities of students applying for visa in 2011 (for both 'additional exams' and 'study higher education') and the ten educational institutes that admitted the largest numbers of these students in 2011.

¹ Letter dated 23 December 2011, reference number 352301, TK 2011/2012, 31 288, # 236.

² Source: International Education Monitor 2007 and 2008; Mapping Mobility 2010 and 2011, publications by Nuffic, The Hague.

Nationalities 2011 (absolute)

	Nationality	2011
1.	Chinese	5060
2.	American	1640
3.	Turkish	1350
4.	Indonesian	1320
5.	Indian	860
6.	Russian	750
7.	Mexican	520
8.	South Korean	500
9.	Iranian	490
10.	Canadian	290

Non-EU students per institute 2011 (absolute)

	Educational institute	2011
1.	University of Groningen	520
2.	Erasmus University Rotterdam	490
3.	Maastricht University	480
4.	Delft University of Technology	460
5.	Tilburg University	410
6.	University of Amsterdam	400
7.	Wageningen UR	400
8.	Saxion University of Applied Sciences	370
9.	Rotterdam University of applied science	270
10.	Eindhoven University of Technology	250

A look ahead

The Commission deems care for quality for the international student essential in the discussions with and between educational institutes, government and other organizations. The Commission will continue its work aimed at application and compliance of the provisions of the Code of Conduct by carrying out activities such as handling petitions and initiating investigations regarding the Code of Conduct. In particular, in 2012 the Commission will focus on the design of the preparatory year and on the educational institutes' websites aimed at foreign students.

Furthermore, the Commission will continue to consult with the Dutch Ministry of the Interior and Kingdom Relations and the Immigration and Naturalisation (IND) Service to discuss the Modern Migration Policy Act and the Code of Conduct. The future system should not show discrepancies between the tasks of the Register Administrator and the Commission (application and compliance with Code of Conduct) and the tasks of the IND (application and compliance with Modern Migration Policy).

Finally, the Commission will intensively supervise the process leading to textual adjustments of the Code of Conduct. As a result of the mergers of a number of institutes for international education and subsidized universities, it was decided that to discontinue SAIL as an umbrella organization in due course. This will affect the composition of the Commission. Now, the umbrella organizations are being consulted about the necessary adjustments to the Code of Conduct, including several other adjustments at the same time.

2



NATIONAL COMMISSION

The 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. Furthermore, the Commission may take the initiative to investigate; this is inextricably linked to its capacity as a supervisor. Although it is expressly stated that the Commission is not an inspectorate, its autonomous control is enhanced by the fact that it can come into action in case of violations of the provisions of the Code of Conduct. Not by merely responding to petitions, but also by picking up signals and reacting to risks.

The tasks and activities of the Commission can be viewed on the website of the Code of Conduct (www.internationalstudy.nl), as this site publishes the various documents on the subject.

Chairman of the independently operating six member Commission is Professor R. Fernhout (LL.M.), former National Ombudsman. The umbrella organizations appoint the members and the substitute members. One of these members is appointed substitute chair. In 2011 the composition of the Commission remained unchanged. The Commission has become a legal personality by establishing a foundation.

Composition National Commission (on 31/12/2011)

Function	Name	Capacity	Umbrella
chair	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 chairman NHL Hogeschool Leeuwarden	HBO-raad
member	H.A.M.F. Keijzer-Lambooy	Former director ITV Hogeschool voor Tolken en Vertalen, former interim chairperson PAEPON (now NRTO)	NRTO
substitute member	J. Bonnink	Coordinator Corporate Affairs 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	Former member of the Board and deputy professor International Corporate Policy at Webster University Leiden.	NRTO

After the merger of the Information Management Group (IB-Groep) and Central Funding of Institutions Agency (CFI), the new organization Education Executive Agency (DUO) has become part of the Dutch Ministry of Education, Culture and Science (OCW). Under the Code of Conduct, DUO offers the Commission staff support, by offering an official secretary and a researcher, the latter acting as substitute secretary as well. For this purpose, the Commission and OCW will enter into an agreement in 2012, in which agreement the autonomy, duties and responsibility of both parties will be arranged.

3



TASKS

Just as in previous years, the Commission had administrative consultations and discussions with government bodies such as the Ministry of Education, Culture and Science; the Ministry of the Interior and Kingdom Relations; the Ministry of Social Affairs and Employment; the Accreditation Organisation of the Netherlands and Flanders (NVAO); the Immigration and Naturalisation Services (IND); the umbrella organizations; Nuffic; the Inspection Service of the Ministry of Social Affairs and Employment and the Dutch Inspectorate of Education, in order to contribute to proper compliance of the provisions in the Code of Conduct. Much attention has been given to the interests of international students. For instance, the Commission is informed about the developments regarding the Red Carpet project - this project aims at lifting barriers in choice of study, admission, registration and housing of foreign students - and, by including a number of questions on the Code of Conduct, about the International Education Monitor which is now being prepared as instructed by the ministry of Education (OCW). Furthermore, a practical brochure was developed for foreign students with information about the Code of Conduct and the rights and duties it contains.

Early 2011, the Commission discussed with the Education Council the investigation the Council carried out into the use of English as a language of instruction. This report was published in the autumn of 2011. It contains observations on the provisions of the Code of Conduct regarding language requirements.

Because of some problems with the European University for Professional Education in The Hague in 2010, the Dutch Public Prosecution Service made an administrative report which analysed the observations and which contained recommendations for the public prosecutor for improvement of checking and compliance mechanisms. The Commission issued an official response to this report.

In September 2011 the annual conference of the *European Association for International Education* (EAIE) was held in Copenhagen. The objective of the EAIE organization is to promote and facilitate internationalisation of higher education in Europe - and the rest of the world. One of the workshops in the - well-attended - conference dealt with the Code of Conduct as a *Best Practice*. During a two hour dialogue with the audience on subjects such as how to attract students and ethical issues were discussed.

Lastly, in 2011 the Commission continued its ordinary work regarding handling petitions, and continued to initiate investigations regarding the application of the provisions of the Code of Conduct.

Petitions

In 2011 two petitions were submitted to the Commission. In the end, the first petition was not handled since after repeated enquiry the petitioning student failed to respond. The second petition was submitted pro forma in December 2011 and will be dealt with in 2012 when the Commission has received more detailed reasons for the petition.

Furthermore, the Commission has picked up several signals regarding problems international students were confronted with. However, in 2011 these signals did not lead to petitions or investigations by the Commission.

- A signal from an Afghan student whose registration was terminated by the institute for various reasons, which also led to termination of his grant. The institute was only willing to enable the student to finish his studies if this was done in the form of distance education.
- A signal from an Armenian PhD student, who requested the Commission to mediate in the disturbed relationship between her and the institute. She lodged a pro forma petition at the end of the year.

- A signal by a Russian student, passed on by the Inspectorate of Education, who had been denied by the institute to take his exams in the English language. This turned out to be a misunderstanding, since foreign students who apply for a course given in the English language, in principle never take application tests in Dutch. The Inspectorate responded to this signal.
- An anonymously given signal concerning inadequate command of the English language of Chinese students registered with one of the institutes. According to the complainer, the IELTS certificates were fraudulent. As this was an anonymously given signal, the Commission decided not to respond.
- Another signal passed on by the Inspectorate of Education, regarding the problems a German MBA student encountered. The student complained about the quality of the course. In the end, after a number of court hearings, this student's registration was terminated. The Inspectorate sent the student a letter to point out to the Code of Conduct and the complaints procedure it has.

Research

An investigation started in 2010 into the interpretation and application of the special provision regarding language proficiency in - a segment of - art education as included in the revised Code of Conduct was concluded early 2011. After the institutes concerned had their say about the findings, the final report was published and discussed between the Commission and representatives of the Board of the Netherlands Association of Universities of Applied Sciences (HBO-raad). The report contains conclusions per institute, but also several general comments and recommendations. A number of institutes stated that the conclusions give cause to review and revise their Education and Examination Regulations. The Commission is delighted to hear that such an investigation has this positive and self-regulating effect, which links up perfectly to the aims of the Code of Conduct: to have the educational sector strengthen the quality of higher education.

The Commission attaches much value that educational institutes provide foreign students with clear information about their accreditations, since offering study programmes that were not rated, or rated as sufficient in the accreditation framework is at odds with the Code of Conduct. Moreover, such institutes would not be entitled to grant - legally regulated and protected - degrees or academic titles. This is why at the end of 2010 an investigation was started in which the websites of 11 selected educational institutes were assessed. The investigation was concluded in May 2011, after which the results were sent for commentary to the institutes that took part. Most of the institutes indicated that the conclusions led to revision of the texts on their websites.

In 2011 another investigation was started and concluded: a review of how educational institutes dealt with the questions foreign students sent to them by e-mail. It is very important that international students should be informed properly about the characteristics and important aspects of the course and the institute they will be studying at. This is the reason why the first substantial provision of the Code of Conduct - following the definitions - concerns the provision of information to this group of students (article 2). The prospective student may visit websites and download brochures to form an opinion on the institute and its courses. They may also ask questions. The Commission reviewed the information for prospective students by e-mailing the institutes four questions that could have been asked by an international student. The responses were analysed using criteria such as response time and completeness of answer. The published report presents the findings in such a way that they cannot be traced back to an institute. However, the 76 institutes that were reviewed were informed about the detailed findings.

The Commission is of the opinion that the results of this review are enough cause for the institutes to optimize the process of answering e-mail. It would be important to encourage this by starting discussions between umbrella organizations and the institutes about the information to prospective students. For this, the Commission - having self-regulation in mind - suggested the umbrella organizations to hold a seminar on this issue.

The regular working methods of the Commission include that after a reasonable period it evaluates its reports and recommendations to see what effect they had. That is why the University of Groningen and the University of Maastricht have been asked to indicate to what extent commitments have been executed, that were made in 2008 regarding the selection of Saudi Arabian medicine students and the courses for this group. The chairpersons of the Boards of these two institutes were invited to discuss the information to prospective students regarding the quality of customized programmes and the certificates - instead of diplomas - granted after successful completion. Furthermore, the Commission visited both institutes and reviewed student files to check the certificates of the required language assessment for English. After this, the case was closed in so far as the Commission is involved.

The results of the Commission's investigations have been published on the Code of Conduct's website managed by DUO: <http://www.internationalstudy.nl>.

4



REGISTER ADMINISTRATION

DUO manages the Register containing the institutes that signed the Code of Conduct and that meet the requirements. This is a public register which is published on the Code of Conduct's website: www.internationalstudy.nl.

On 1 January 2011, 84 higher education institutes were listed in the Register of the Code of Conduct.

Eight institutes were struck from the Register in the course of 2011. These were the following institutes:

- Hogeschool Azusa	reason: merged with Hogeschool Windesheim
- Hogeschool Domstad	reason: merged with Hogeschool Utrecht
- InHolland Select Studies	reason: does not offer courses any more
- Stenden Hogeschool Drenthe	reason: doubles with Stenden Hogeschool Leeuwarden
- Stichting Hobi Amsterdam	reason: does not offer courses any more
- Hogeschool Van Hall	reason: merged with Hogeschool Larenstein
- Saxion Hogescholen Deventer	reason: doubles with Saxion Hogescholen Enschede
- Transnationale Universiteit Limburg	reason: does not offer courses any more

One institute was added: Stella Aviation Academy. The Register Administrator granted the application to be added to the Register since examination proved that the institute offers non degree courses which are part of the certified air-traffic controller study programme given at higher education level by a Dutch institute. The programme is recognized by the Dutch government (Ministry of Health, Welfare and Sport), which recognition includes educational aspects.

On 31 December 2011 the Register contained 77 institutes.

Two institutes applied for inclusion in the Register in 2011: the Rotterdam School of Management en de Spiritual Open University. The first withdrew its application on account of not being an independent institute offering accredited courses (it is part of Erasmus University Rotterdam). The Spiritual Open University withdrew its application since the accreditation procedure has not been completed. At present no more applications wait for a decision.

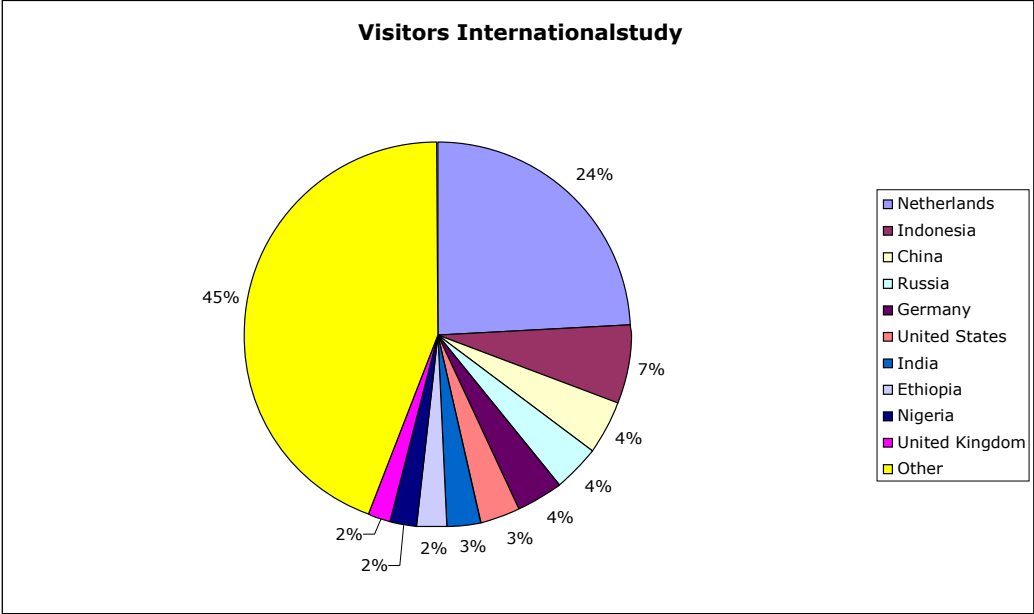
The above mentioned website also contains a list of education institutes with courses in culture policy and a list of institutes with study programmes in the field of international development cooperation. The Register combines all information about higher education institutes, which is useful for the IND to assess applications for residence permits for preparatory courses or higher education studies.

Neither DUO nor the Commission received complaints in 2011 regarding the services of DUO or its employees in their capacity of Register Administrator for the Code of Conduct.

The result of the Red Carpet project, in which the HBO-raad, VSNU, Studielink, IND, Nuffic, Studiekeuze123, DUO and Kences cooperate to lift barriers in choice of study, admission, registration and housing of foreign students in Dutch higher education, is a decision to offer centralised information about the courses on the website www.studyinholland.nl. Because of this, mentioning of the courses offered by the institutes listed in the Register of the Code of Conduct has been discontinued.

In 2011 the website www.internationalstudy.nl had over 22,000 hits, averaging 425 visitors a week. Visitors originated from 170 countries.

Website visitors per country in 2011³



Country	Number
The Netherlands	5,332
Indonesia	1,490
China	993
Russia	848
Germany	844
United States	731
India	655
Ethiopia	550
Nigeria	461
United Kingdom	442

³ Source: Google Analytics.

5



FINANCE

The Ministry of Education (OCW) provides annual funding to pay for the costs made to execute the activities for the Code of Conduct. DUO controls this budget.

For the year 2011, the gross personnel costs amounted to € 170,000. This regards the workforce at DUO, comprising of the Commission's official secretary and researcher. This item will remain unchanged in 2012. Another item concerns office costs of € 13,000 (organizing meetings, printed materials, translation costs). The same amount is budgeted for 2012.

All investigations of the Commission as described in chapter 3, were carried out by the permanent workforce (with DUO). This meant that 2011 saw no need to use the additional funding (€ 42,000), which means that this budget returned to the finances of the Ministry of Education. As the Commission expects that in 2012 the staff capacity level of the researcher will be sufficient for proper execution of investigations, no costs for additional investigations were budgeted for 2012.

In 2011 payments for the attendance fees of the chairperson, members and substitute members of the Commission amounted to € 16,363.38.

The Commission met six times for regular meetings. An additional meeting with representatives of the Board of the Netherlands Association of Universities of Applied Sciences (HBO-raad) was organised to discuss the final report of the examination of compliance with the requirement of the English language for admission to a number of art courses (limited staffing capacity). Furthermore, the Commission spoke with the chairpersons of the Boards of University of Groningen and the University of Maastricht, as part of its follow-up examination into the implementation of recommendations made in 2008 regarding the selection and registration of Saudi Arabian medicine students.

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.

Attendance fees, including travel costs, 2011 and 2010

Quarter	2011	2010
Q1	€ 2,393.83	€ 9,300.87
Q2	€ 4,954.23	€ 7,367.87
Q3	€ 4,227.66	€ 6,255.72
Q4	€ 4,787.66	€ 4,420.05
Total	€ 16,363.38	€ 27,344.51

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 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 (*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 (*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 below⁴ applies:

IELTS, TOEFL, TOEIC and Cambridge ESOL scores					
IELTS	TOEFL Paper	TOEFL Computer	TOEFL Internet	TOEIC⁵	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.

⁴ 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.

⁵ As long as the modules 'Speaking and Writing' and 'Listening and Reading' were successfully completed.

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.

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

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 complaint⁶, 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;

⁶ 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.

- i. after intervention by the National Commission and in the opinion of the National Commission, the petition of the petitioner have been met properly;
 - 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

Credits

National Commission Code of Conduct Higher Education
P.O. Box 260
9700 AG Groningen

Administrative office

E info@internationalstudy.nl
T + 31 50 599 9975
W www.internationalstudy.nl

This annual report is available at www.internationalstudy.nl

April 2012