

Annual report 2013

National Commission
Code of Conduct
Higher Education

April 2014

1 CODE OF CONDUCT AND NATIONAL COMMISSION

In this document, the National Commission (hereafter: Commission) gives an account of its activities in 2013 regarding quality assurance for international students in Dutch higher education. The Commission does this in accordance with article 7 of the Rules and Regulations of the Code of Conduct. The Code of Conduct Higher Education intends to contribute as a quality tool to the ambitions of the educational institutes and the government regarding internationalization as a means to turn the Netherlands into an attractive destination for knowledge and development. After having had in-depth discussions with the umbrella organizations, the Steering Committee International Students of the VSNU, the Administrative Working Group Internationalisation of the HBO-raad and the Board of the NRTO, about a number of required modifications to the Code of Conduct, the proposal for amendment of the text of the Code of Conduct and an update of the Rules and Regulations came into effect on 1 March 2013. Both the new and old texts of the Code of Conduct and the Rules and Regulations can be found on the website of the Code of Conduct:

<http://www.internationalstudy.nl/nl/pagina/gedragscode-en-reglementen>.

The umbrella organization has asked Nuffic and several experts in the educational field and to examine the assessment of the level of the English language in secondary education in European member states in comparison to the level in the Netherlands. The results of the survey may lead to further amendment of the text of the Code of Conduct in 2014.

Chair of the independent Commission, which acquired legal personality in 2011, is Prof. R. Fernhout (LL.M.), former National Ombudsman. The umbrella organizations appoint the members and the substitute members. One of these members is appointed substitute chairperson.

The composition of the Commission has changed in 2013. Since the greater part of SAIL members have merged with Dutch universities, SAIL is no longer an umbrella organization. In the new text of the Code, which came into effect on 1 March 2013, SAIL is no longer mentioned as one of the umbrella organizations involved in the Code of Conduct and as such its membership from the Commission was terminated. In 2013, this led to an amendment to the articles of association of the Stichting Landelijke Commissie to the extent that the number of members of the executive board was reduced from 7 to 6, of which 2 members are presented by the VSNU, 2 by the Netherlands Association of Universities of Applied Sciences and 1 by the NRTO. The sixth member is the independent chairperson.

The Commission conducts its tasks and activities for instance by processing petitions and by initiating investigations regarding the application of and compliance with the provisions of the Code of Conduct. The investigation reports, petitions, current and previous versions of the Code of Conduct and the Rules and Regulations can be found on this website of the Code of Conduct (www.internationalstudy.nl). This Annual Report 2013 and previous ones are published on the site as well. The researcher offered by the Education Executive Agency (hereafter: DUO) to the Commission has started in a new position at DUO in the middle of 2013. She was replaced by a new employee, who has been introduced to the job and is now fully operational.

Composition of the National Commission (2013)

| Function | Name | Capacity | Umbrella |
|---------------------------------|----------------------------|--|--|
| chair | R. Fernhout | Former National Ombudsman | - |
| member / substitute chairperson | J. Donner | Former president Royal Tropical Institute | SAIL ¹ |
| 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 ² |
| member | P.M.M. Rullmann | Former Board member Delft University of Technology | VSNU ³ |
| member / substitute chairperson | C. Boom | Former president Saxion | The Netherlands Association of Universities of Applied Sciences ⁴ |
| member | F. Kuipers | Former president Noordelijke Hogeschool Leeuwarden | The Netherlands Association of Universities of Applied Sciences |
| 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 | The Netherlands Association of Universities of Applied Sciences ⁵ |
| substitute member | H.M. de Jong | Member of the Executive Board of the University of Applied Sciences Utrecht | The Netherlands Association of Universities of Applied Sciences ⁶ |
| substitute member | L. Johnson | Head Executive Office ISS, Erasmus University Rotterdam | SAIL ⁷ |
| substitute member | J.A. Dop | Former member of Executive Board of Webster University Leiden. | NRTO |

2 ACTIVITIES AND CONTEXT

In 2013 three inter-ministerial administrative meetings regarding the Code of Conduct took place. The Commission met with representatives of the Ministries of Education, Culture and Science (OCW), Security and Justice (V&J) and Social Affairs and Employment (SZW), the Accreditation Organisation of the Netherlands and Flanders (NVAO), the Nuffic, the Immigration and Naturalisation Service and the Inspectorate of Education. The various parties informed each other about general current developments in the field of international students. Meetings on board level have been organised as well, for instance with the director Higher Education of the Ministry of OCW to talk about representation of the interests of international students.

As a quality instrument, the Code of Conduct operates in a contemporary and dynamic environment. The memorandum 'Economic effects of internationalization in higher education' (April 2012) by the CPB Netherlands Bureau for Economic Policy Analysis proves that binding international students to the Netherlands is beneficial to government finance.

¹ Until 1 May 2013.

² Until 1 May 2013.

³ As of 1 September 2013.

⁴ As of 1 May 2013 Mr Boom is substitute chairperson.

⁵ Until 1 March 2013. This is now a vacancy.

⁶ As of 1 March 2013 Mr De Jong is appointed rector of the Amsterdam University of Applied Sciences and member of the Executive Board of Utrecht University and the Amsterdam University of Applied Sciences.

⁷ Until 1 May 2013.

For that reason, Government asked the Social and Economic Council (SER) to advise on the issue which sectors of the labour market require international talents in higher education the most, and which actions companies, educational institutions and local and regional authorities can actually take to tie international talents in higher education to the Netherlands. The SER advice was published in April 2013⁸ and emphasizes the importance of making an effort of attracting foreign students, as well as a targeted search for the connection between educational programmes and job vacancies. The response of Government⁹ to the SER advice is a first part of the integral view on internationalization in higher education. This vision, in which OCW collaborates with the educational field, is accompanied by the multi-year action plan 'Make it in the Netherlands'¹⁰, which contains a selection of measures regarding information, language and cultural integration to attract and bind international students to the Netherlands. In order to translate this binding policy into actions that fit the text and the intention of the Code of Conduct, the Commission wrote the umbrella organisations a letter with the suggestion to include in the Code of Conduct a provision stating that the institutes will undertake an effort to give the international student a few hours per week the opportunity to learn Dutch and Dutch culture on a voluntary basis, in addition to the compulsory curriculum. This could be organised by the language centre of the educational institution. The umbrella organisations did not respond enthusiastically.

In March 2013 the European Commission published its proposal for review of the Student Directive and the Scientific Research Directive. Already back in the summer of 2012 the National Commission responded to an online consultation by the European Commission, in order to bring the Code of Conduct to the attention of the European Commission more emphatically. A decision on the proposal is not expected before the elections for the European Parliament (May 2014).

On 1 June 2013 the Modern Migration Policy Act came into effect. Consequently, all existing agreements between the Immigration and Naturalisation Service and the educational institutes were terminated by force of law. However, the accelerated procedure is prolonged by 'acknowledged sponsorship'. This means that an international student who needs a residence permit for studies cannot come to the Netherlands without having a relationship with an educational institution that the Immigration and Naturalisation Service acknowledges as a sponsor. For such acknowledgement the educational institution must be listed in the Register of the Code of Conduct.

The study report 'International students in the Netherlands' (July 2013), carried out by the Dutch National Union of Students (LSVb), contains interesting reading material and its conclusions validate the activities of the Commission regarding supervision of adequate information that higher education institutions give to (prospective) international students. The Commission finds the students themselves to be critical too. The report 'Study Information published by the LSVb in November 2013' states: "in four instances the quality of the information given by the educational institutes about their study programmes was found hardly objective, not truthful and too late." The LSVb examined 141 information brochures of 7 bachelor programmes of 11 universities, and 6 bachelor programmes of 26 universities of applied sciences. One of the conclusions is that hardly any institute mentions the system of binding recommendations on study continuation in its brochures. Nor does the information about the study programme correspond to the figures of the NVAO in a large number of cases.¹¹

In response to signs regarding the admissions of a group of 40 Chinese students to an accelerated study programme of the four year bachelor programme, the Commission examined the EuroPort Business School (EPBS) in 2012. The students were admitted on the basis of an assessment leading to generically granted exemptions for the duration of 2.5 years. The Commission stated that it was not qualified to assess the granting of exemptions for 2.5 years.¹² The examination of the EPBS by the Inspectorate of Education was concluded in 2013. The value and substance of the assessment was examined as well. The Inspectorate concluded that the admission procedure which the EPBS applied to this group of Chinese students contained serious defects. The information regarding the previous qualifications that EPBS had at the time of admission, by no means justified granting such substantial generic exemptions amounting to 132 EC.

⁸ See: <http://www.ser.nl/nl/publicaties/adviezen/2010-2019/2013/make-it-in-the-netherlands.aspx>.

⁹ See: *Parliamentary Papers II*, 2012-2013, 22 452, No. 34, including appendices

¹⁰ To be consulted on: <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2013/11/23/make-it-in-the-netherlands.html>.

¹¹ For the study reports mentioned, please visit: <http://www.lsvb.nl/actueel/persbericht/internationale-studenten-gaan-voor-nederlandse-kwaliteit-missen-cultuur> and <http://www.lsvb.nl/actueel/persbericht/eerlijkke-voorlichting-komt-te-laet-voor-scholieren>.

¹² See: <http://www.internationalstudy.nl/sites/default/files/Onderzoeksrapport%20EPBS.pdf>.

Although information was not given actively through the website or brochures for this accelerated study programme (which was offered as a pilot programme), EPBS did actively promote its MBA programme to students through a Swiss partner that was not acknowledged. In addition, misleading information was given about the accreditation status of this master programme.¹³ The Commission will continue to follow the developments.

At the end of 2012, the Commission published the results of its survey of the preparatory period and the Dutch language demand.¹⁴ The survey proved that in the period 2005-2009 in 31-44% of all cases the permit 'additional exams' was not converted into a permit 'study'. In its report, the Commission indicated that it would seem desirable to gain a better insight in the reasons for discontinuing the main studies after a student followed a preparatory year.

In order to find out what would be the best way to conduct such a survey, the Commission invited representatives of the Repatriation and Departure Service, the Immigration and Naturalisation Service and the Aliens Police for a meeting which was held on 30 September 2013. The Commission should restrict itself to supervision of compliance with the Code of Conduct, including the preparatory year. It will be regarded whether the IND can produce an anonymized list of students who dropped out of 'additional exams', the institutes involved and the nationalities of those students for the academic year 2012/2013. In the beginning of 2014 the Commission will decide on that information about the design and substance of the survey.

The provision of article 8.3 of the Code of Conduct stipulates that every five year the content and the effects of the Code of Conduct will be evaluated by at least the institutes involved, the stakeholders and the manager of the Register. As the last evaluation was made in 2009, the evaluation should be repeated in 2014. However, recently – in March 2013 – the exhaustively revised text of the Code of Conduct came into effect. Furthermore, the umbrella organizations cooperate with the Nuffic right now to examine an objective method for exempting European students from the English language demand when admitting them to study programmes in the English language, as is stipulated by the Code of Conduct. The results of this examination might lead to a proposal to effectuate a revision of the Code of Conduct in the middle of 2014. Seen in this light, the Commission considers an evaluation in 2014 not very opportune and therefore it proposed the ministry of OCW in September 2013 to have the evaluation made in 2016 and at the same time it asked to prolong its current approach and funding until then.

3 PETITIONS

The Commission processed 5 petitions in 2013. The first dated from 28 December 2012. This was a complaint regarding the refusal of (provisional) admission by the educational institution for the academic year 2012-2013. The reason for refusal was that the applicant would have used (nearly) all of his maximum duration of studies and/or applicant would not be in the possession of a valid residence permit. In the meantime, applicant was informed by the Appeals Tribunal of the relevant educational institution that he met the requirements for admission, as stated in the Dutch Higher Education and Research Act. Therefore, the educational institution was not entitled to refuse admission. Because of that, the Commission was of the opinion that no (further) reason existed to continue processing the petition. With regard to the letters in which the educational institution informs about refusal of admission, the Commission imposed the institute the following measures:

- ❖ Information about the reasons of refusal of admission must be given to the student unambiguously and extensively;

¹³ See: <http://tkrtp.owinsp.nl/schoolwijzer/zoekresultaat#5>. In the meantime, it had become clear that the bachelor programme in question will be reassessed by the NVAO. The institute was reviewed in 2012, but the EPBS failed to inform the reviewing committee of the existence of the accelerated programme. Therefore, the NVAO asked the minister of OCW to start a procedure for cancellation of the accreditation decision (Section 5a.12b Dutch Higher Education and Research Act). The minister followed the advice.

¹⁴ See: <http://www.internationalstudy.nl/nl/pagina/onderzoekrapporten>.

- ❖ Letters to international (prospective) students must be accompanied by an English translation;
- ❖ Decisions must contain an appeals procedure that can be followed against decisions of the educational institution, including the periods that must be observed.

Despite a repeated request, these measures were not (fully) taken by the educational institution at the time of publication of this Annual report.

The second petition dated from 12 April 2013 and – in brief – dealt with the conduct and events concerning a (faulty) exam, the teachers' support when preparing for the exam, the prescribed study materials and the organisation of resits. Moreover, the educational institution would wrongly not have heard applicant during the internal complaints procedure. Prior to submitting the petition, the person involved lodged a complaint with the examination board of the institute. The examination board considered the complaint valid, which resulted in a new examination opportunity for the petitioner.

For that reason, the Commission was of the opinion that no (further) reason existed to continue processing the petition. Nevertheless the Commission was quite concerned about the position of international students at this educational institution. The Commission was especially worried about the state of affairs concerning support, examination and the internal complaints procedure, and wondered whether this institute sufficiently cared for the interests of international students. With respect to the essence and intention of the Code of Conduct, the Commission decided to send the institute a number of questions regarding the position of its international students. The institutes answers took away the Commission's concerns.

The third petition dated from 21 May 2013 and dealt with the conduct and events concerning organisation and assessment of exams, the quality of the teachers, the manners, inspection of examination work, as well as the organisation of resits. Moreover, applicant stated that the institute is guilty of discrimination based on nationality. At the request of the Commission, applicant linked the conduct of the educational institution to the Code of Conduct. The Commission saw no infringements of the Code of Conduct. However, the Commission requested the educational institution to publish the Code of Conduct on its website as soon as possible. The Commission established that this had been done.

The Commission received the fourth petition on 5 July 2013. This petition regarded actions and conduct related to examinations of one of the subjects of the study programme, the submission and assessment of research proposals and thesis drafts, as well as the costs of the required extension of the registration period. As applicant failed to meet deadlines, the educational institution removed the student from the institute. In response to the objection against the removal as filed by applicant, the examination board of the educational institute gave applicant the opportunity to defend his thesis and to complete the last subject of his study programme, provided applicant would meet certain conditions. At the request of the Commission, applicant linked the conduct of the Educational institute to the Code of Conduct. The Commission examined by its own motion whether the arguments of the applicant would offer any support for the statement that the Code of Conduct had been violated. With respect to the nature of the conduct it must be stated that these cannot be submitted to the Commission on the basis of the procedure for petitioning as mentioned in the Code of Conduct. To this effect the educational institution has its own authorized body. For that reason, the Commission declared the petition inadmissible.

The fifth petition, dated 20 August 2013, was submitted by an external doctoral student. The petition regarded the conduct and events related to the support of the doctorate process in the period 2007-2012, the assessment of the quality of the work submitted and of the unclear position of the institute in relation to the university. Furthermore, petitions stated that the educational institution failed in its information. The Code of Conduct defines an international student as follows:

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

Petitioner had a residence permit entitling him to stay as an unsalaried scientific researcher. Because of this right of residence, petitioner could not be regarded as an international student in the sense of the Code of Conduct. The Code of Conduct does not cover scientific researchers. For that reason, the Commission was of the opinion that the petition is inadmissible. However, the Commission saw reason to have an informative meeting with the Board of the university regarding the support of doctorate students in general.

On 29 August 2013 the Commission received an email from a student with the complaint that he had been admitted to a study programme that would start soon (in September 2013), but that the educational institution did not apply for a visa (in time). This endangered the timely start of the studies for that student. Because of the short interval, the Commission directly contacted the relevant institute. The institute then helped the petitioner to receive the residence permit in time to start with his studies. Subsequently, applicant withdrew the petition.

4 RESEARCH

Internal report

In 2013 the Commission carried out two surveys. The report for the first survey serves for internal use within the Commission and regarded a partial observation of the information that educational institutes present on their websites to international students. It is a partial observation as ten random institutes of the Register of the Code of Conduct were examined. It served for the Commission's decision on the subsequent course of action for this investigation. The report is also kept internal as the examination was not announced and did contain conclusions regarding the individual institutes. It is the Commission's customary practice is not to publish conclusions at the level of the institutes in its reports of unannounced investigations.

International students should obtain information about a foreign study programme from experiences from acquaintances, from the institute's employees or from agents. For international students, the institute's website is a central and always accessible source of information about studying in the Netherlands. The institute can easily update the information on its website. For many students, the website will be the first contact with the institute. It is important that the information on the website presents a good picture of the institute and the programmes it offers. In this survey, the Commission examined the information to international students through the institutes' external websites.

Chapter 2 of the Code of Conduct is about information and as such is one of the key chapters of the code. The Commission considers it of great importance that prospective students are being given good information about the most important issues of their studies and the institute has the duty to inform the international student as good as possible. Chapter 2 indicates which is the minimum information the institute must give to the student. The Commission translated the provisions of this chapter as literal as possible to 19 questions which can be answered with yes or no. This made it easy to assess if the institute observed the Code of Conduct. The questions were used to assess the websites of several selected institutes.

The internal report turned out very low scores for 5 out of 19 questions. Websites contained hardly any quality criteria or processes for compliance with the criteria. Neither did they contain much information about the Code of Conduct and the Education and Examination Regulations, nor information about the new method of study progress monitoring under the Modern migration policy. Only a few institutes mentioned the Code of Conduct and an explanation of it on their websites.

Report survey information websites 2013

After discussing the results of the internal survey report regarding partial observation, the Commission was of the opinion that examination of the websites of all institutes registered in the Code of Conduct was necessary and opportune with regard to the 5 questions to which the institutes proved to have very low scores. The follow-up survey was directed at improvement of the quality of the websites and a stimulus for the institutes to update their sites in line with the Code of Conduct. The survey turned out that the 5 questions yielded very low scores. It is striking that 19 out 76 institutes scored negatively for all 5 questions. The Commission is therefore not convinced that students are being informed properly. All institutes were informed of the conclusions of the follow-up survey individually and they were asked to let the Commission know which measures they are going to take to improve this.

The Commission will check the adjustments to the websites of the educational institutions at random. The report can be read on the website of the Commission (in Dutch): <http://www.internationalstudy.nl/nl/pagina/onderzoeksrapporten>.

5 REGISTER ADMINISTRATION

DUO manages the Register containing the institutes that signed the Code of Conduct and that meet the requirements of the Code. The Register is a public and is published on the Code of Conduct's website: www.internationalstudy.nl. This website also contains a list of education institutions 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 when assessing applications for residence permits for preparatory courses or higher education studies.

On 1 January 2013, 78 higher education institutes were listed in the Register of the Code of Conduct. Three institutes were struck from the Register in the past year:

- ❖ Hogeschool Helicon, because of its merger with Hogeschool Leiden, University of Applied Sciences;
- ❖ Christelijke Agrarische Hogeschool in Dronten because it merged with Stoas Hogeschool in Wageningen into Vilentum University of Applied Sciences in Ede. For that reason the name of Stoas Hogeschool was changed in the Register; and
- ❖ Hogeschool Edith Stein in Hengelo because of its merger with Saxion University of Applied Sciences.

In 2013 one institute was added to the Register: Team Academie Nederland. The application for listing made by Humaniversity was turned down by DUO as Humaniversity did not meet the requirements regarding the accreditation of its study programmes. This totals the number of institutes listed in the Register on 31 December 2013 to 76.

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

6 FINANCE

In 2013, the Commission met six times for regular meetings. Furthermore, periodic meetings took place with the ministry of OCW. In 2013 payments for the attendance fees of the chairperson, members and substitute members of the Commission amounted to € 11,911.06.

Attendance fees, including travel costs (2013 and 2012)

| Quarter | 2013 | 2012 |
|--------------|--------------------|--------------------|
| Q1 | € 2,419.03 | € 6,474.11 |
| Q2 | € 5,658.40 | € 3,987.65 |
| Q3 | € 1,749.41 | € 5,293.59 |
| Q4 | € 2,084.22 | € 7,893.70 |
| Total | € 11,911.06 | € 23,649.05 |

The decrease in costs 2013 as compared to the previous year is caused by the large number of hearings which were held in 2012 and which led to an increase in costs in that year. Assignment and payment of attendance fees is done in keeping with the Attendance Fees Regulation, published on the Code of Conduct's website.

In 2013, tangible costs amounted to a little more than € 7,500 (2012: € 12,000); spent on travel costs meetings, printing, translations and insurances.

The financial reserve 'additional research funding' of € 50,000, with which the ministry gave the Commission the opportunity to hire external research capacity in addition to DUO's structural research capacity when needed, was not called on in 2013.

Credits

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April 2014