

Annual report 2015

National Commission
Code of Conduct
Higher Education

March 2016

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1. Code of Conduct Higher Education

1.1 Introduction

As a quality mark from the institutions of higher education, the Code of Conduct is a unique instrument in the world. It's a product of self-regulation: for and by the institutions. When the educational field designed the Code, it took an important step in realizing a good influx of international students by formulating for instance admission conditions. The Code of Conduct is used as a marketing tool supporting the notion that Dutch higher education is up to par. As such, the Code has unified Dutch higher education and created a level playing field. Its usefulness and importance are widely supported. With this document, the National Commission accounts for its activities in 2015, as instructed in article 7 of the Rules and Regulations of the Code of Conduct. This offers the Commission a chance of looking back at 2015 and at the same time to offer a preview of the coming year.

Higher education never ceases to develop, which frequently raises the question in what way the Code of Conduct contributes and how these developments relate to the Commission's supervision. An example is that several Dutch educational institutions now establish auxiliary branches abroad. In that situation no migration for study purposes to the Netherlands takes place. However, it should be clear that the quality of the study programmes offered has an effect on the reputation of Dutch education in general. Another example of developments is digitally offered education, through Massive Open Online Courses (MOOCs). This also relates to the issue of accreditation. The Commission is having talks with the umbrella organizations and the Dutch Ministry of Education, Culture and Science (Ministry of OCW) how to deal with these developments.

Furthermore, the Netherlands were confronted with a large influx of refugees in the past year. These people need help, but they have much to offer as well. A part of the refugees are talented young people and highly educated persons. Refugees may therefore also be – temporary – knowledge migrants. Higher education has an essential role in preparing refugees for a valuable place in society and on the labour market. Refugee students need additional language lessons, study support and help when entering the labour market. And although the definition of an international student in the Code of Conduct does not formally cover a refugee student, this instrument – and its quality standards set by the educational field – can certainly be useful here. The Code contains for instance standards for language proficiency in the case of courses taught in English, as well as quality requirements for the study programmes. But most of all, the Code contains standards for contact with students and support of international students. That is why a number of institutions already has been applying the Code of Conduct for refugee students as well. In the meanwhile, the Commission has put to the umbrella organizations of higher education the question if, and if so, how, refugee students may be included in the Code.

1.2 Register Code of Conduct

On 1 January 2015, 76 institutions of higher education were listed in the register of the Code of Conduct, which can be viewed on www.internationalstudy.nl.

In the past year, the administrator of the register, the Education Executive Agency (hereafter: DUO), received four applications for entry in the register of the Code of Conduct. After the assessment procedure, one institution, EuroCollege in Rotterdam, was included in the register. The other applications have not, or at least not yet, led to a decision on the application, as these institutions have not presented the required information, for instance regarding foreign accreditation of their programmes.

The registration of two institutions was terminated in 2015. The Central College has withdrawn from the register at its own request. In the case of the Duisenberg School of Finance in Amsterdam, deletion was done as it no longer offers study programmes. This resulted in a total number of 75 institutions listed in the register of the Code of Conduct by the end of the year.

2. National Commission

2.1 Activities

This paragraph zooms in on the activities carried out by the Commission in its function of supervising the compliance of the educational institutions with the provisions of the Code of Conduct. The Commission had six regular meetings about general matters in 2015. Paragraphs 2.2 (petitions) and 2.3 (inquiries) contain more detailed information about these.

The Commission has taken note of the legislative proposal for the protection of the names 'university' and 'university of applied sciences' and the awarding of degrees. The Commission considers it very valuable that – international – students should be informed correctly and completely before starting studies in the Netherlands. Therefore, the Commission supports the provisions in the legislative proposal to prevent deception of students, especially – considering its responsibility – to the extent this concerns international students in Dutch higher education. The Commission responded in a letter with words of similar meaning to the internet consultation round. Furthermore, the Commission proposed to include the petitioning procedure of article 7.5 of the Code of Conduct in the legislative proposal, in order to give it wider attention. Being able to lodge a petition is desirable for international students in particular, as they depend on information published at a distance on the internet. A recent review by the Commission reconfirmed that names such as *university of applied sciences*, *university* and *research university* often confuse international students. Outside the Netherlands no distinction exists between higher professional education (HBO) and academic education (WO). In the case of incorrect or misleading information, for instance about the degrees to be obtained, the Code of Conduct offers international students to lodge a petition to the National Commission. As a quality tool, the Code of Conduct contributes to the reputation of Dutch higher education and as such links up with the aims of the legislative proposal.

Early 2015 the Commission received information from two international students concerning Fontys University of Applied Sciences. Both students completed a Double Degree IBMS in January 2014, but had not yet received their certificates. The Commission mediated in order to come to a fast solution for those students and furthermore tried to prevent the situation from becoming an official petition. The backlog appeared mainly to be caused by foreign partner institutions. The students received their certified certificates a few days after the contact between the Commission and the institution, which enabled them to prove that they had actually graduated.

Halfway 2015, an international student informed the Commission about the court ruling on a dispute between her and Rotterdam University of Applied Sciences, without desiring to lodge a petition. The actions related to insufficient study guidance leading to a delay in studies, and the abuse of the student-teacher relation by the teacher involved. This issue was sufficient reason for the Commission to start an informal exchange of ideas with the institution about its contacts with international students in a broader context. The discussion was quite positive. The institution had an independent review carried out to find out if there were more such cases. This proved not to be the fact. For that reason, the Commission considers this issue as solved.

Furthermore, the Commission presented in the autumn of 2015 to Pathfinder a text about the Code of Conduct and how to lodge a petition to the Commission. Pathfinder is an application developed by EP-Nuffic that intends to contribute to the provision of information to international students. Various organizations and government bodies fill Pathfinder with content about subjects that may be of interest to international students who are studying or who intend studying in the Netherlands. After filling the application with information, the educational institutions can integrate the application in their websites.

2.2 Petitions

At the end of August 2015, a – former – international student of Pakistan nationality lodged a petition to the Commission regarding a number of actions of the Duisenberg School of Finance (DSF). The subject of the petition was the procedure in which DSF had reported petitioner to the Immigration and Naturalisation Service (IND) on the grounds that applicant did not meet the academic achievement standard as formulated in article 5.5 of the Code of Conduct.

In its response DSF also informed the National Commission that as of 30 September 2015 its study programmes are being carried out by the *Duisenberg Honours Programme* of the University of Amsterdam (UvA) and the *Vrije Universiteit Amsterdam* (VU University), though both these institutions have not taken over DSF's obligations. As DSF has terminated its activities as an independent educational institution, no new students have been admitted to the course year 2015-2016. Current students will be given the opportunity to complete their studies at DSF.

The Commission pronounced its decision on 18 November 2015, in which it declared the petition partly inadmissible. The Commission pronounced the petition inadmissible regarding the alleged violation of article 5.5 of the Code of Conduct. Petitioner made a study progress of 3.5 European Credits (EC) in the academic year 2013-2014. This meant that applicant had made insufficient study progress, as measured by the standard of article 5.5. Subsequently, the Commission gathered from the documents submitted by DSF and petitioner that both parties had had various talks about the cause of the insufficient study progress. This led DSF to take the view that no excusable causes could be found, such as described in Article 7.51 of the Dutch Higher Education and Research Act (WHW) and Article 2.1 of the Implementation Decree WHW. As such, and because of article 5.5 of the Code of Conduct, DSF had the obligation to report petitioner to the Immigration and Naturalisation Service. The Commission pronounced the petition admissible with regard to the violation of article 4.6 of the Code of Conduct. However, the Commission could not ascertain that petitioner had signed the statement of agreement as meant in said article. The Commission also remarked that this may be attributed to the transition period of the two academic years covered by this petition, in which new regulations came into force. Furthermore, the Commission considered that article 4.6 of the Code of Conduct mentions registration, without being clear whether this includes reregistration as well. For these reasons the Commission attached no consequence to the violation of article 4.6 of the Code of Conduct. The decision of the Commission can be read on the website of the Code of Conduct.

2.3 Inquiry

In 2014, the Commission initiated an inquiry which established that the EuroPort Business School (EPBS) in Rotterdam had provided international students with incomplete and misleading information about the accreditation of the MBA programme it organized (articles 2.1a and 5.2 Code of Conduct). Furthermore, the institution did not give full disclosure about the provisional or definitive status of the exemption of the 132 EC granted to students (article 4.1 Code of Conduct). Considering the gravity of the violations established by the National Commission, the consequences for at least 37 students, and more in general the damage to the reputation of Dutch higher education, the Commission decided to conditionally strike the EPBS from the register of the Code of Conduct for the period 1 November 2014 until 31 October 2015. In the year of suspension, the institution had the opportunity to comply with the provisions of the Code of Conduct and to demonstrate – by means of an independent review – that it had remedied the shortcomings.

In the spring of 2015, the Commission discussed the matter with the chairman of the independent review commission EPBS. Clear arrangements were made about the questions of the inquiry, the methodology, terms and responsibilities. At the end of September 2015, the Commission received the report of the independent review commission EPBS. The report shows that the situation has been normalized and that the EPBS has taken measures to repair the earlier shortcomings in relation to the Code of Conduct. Following the line of the findings of the review commission, the Commission decided in September that the EPBS has sufficiently complied with the measures it was told to take. For that reason, the provisional deletion from the register of the Code of Conduct was terminated on 31 October 2015.

The Commission's report of its enquiry concerning the EPBS and its further decision of late 2015 can be found on the website of the Code of Conduct. The EPBS publishes the report of the review commission EPBS on its own website.

A second inquiry regarded the review of the dropout rate of international students during the preparatory period. The Commission took a qualitative approach and – in view of the dropout percentage of about 30% of a few years ago – raised the question whether there might be a mismatch between the preparatory year and the intended main studies. In order to answer this question, the Commission interviewed five educational institutions and students who took a preparatory year at these institutions. Furthermore, the Commission talked with two commercial providers, *StudyGroup* and *Cambridge Education Group*.

On behalf of several institutions of higher education they offer a preparatory year. It was characteristic for the talks that all parties appeared to be committed to the students and that students are being supported seriously and carefully.

The review sketches a positive picture of the preparatory year and the Commission could not establish a clear cause or reason for the dropout rate in the preparatory year. The causes of dropouts partly lie outside the educational institutions, for instance homesickness and culture. Institutions sometimes experience problems with mostly Asian students who were sent by their parents to the Netherlands for studies. These students often have no idea of the studies nor of Dutch education. This needs to a lack of motivation or to early termination of their studies. Furthermore, cultural differences play a part when studying abroad. In many cultures it is uncommon to actively take part in the lectures, whereas this is expected in the Netherlands. It also appeared that despite proper information, students have difficulty in understanding the distinction between a *Research University* and a *University of Applied Sciences*. Students cannot relate this distinction to the educational field they are familiar with. Although the dropout percentage at first sight seems relatively high, there appears to be no big difference with the dropout rate of Dutch students in the first year. It is simply the case that in both groups a certain percentage of students will drop out. Some institutions use a study choice test for Dutch students. The results of such tests are not yet known, but it seems interesting to apply these tests to international students as well. In such a situation, upon application students are tested more explicitly for their motivation, capabilities and expectations.

In the beginning of 2016, the Commission published its findings in a newsletter.

2.4 Financial paragraph

For items such as travel and meeting expenses, printing, translation and insurance premiums in 2015 € 8,975 (2014: € 9,250) was spent.

Furthermore, at the end of each quarter of 2015, attendance fees were settled with the chairman, the members and substitute members of the Commission. For this reason, an (updated in 2009) Attendance Fee Decree was designed in consultation with the Ministry of OCW, which can be found on the website of the Code of Conduct. The following table accounts for the amounts paid in each quarter.

Attendance fees, including travel expenses (2015 and 2014) and VAT

Period	2015	2014
Q1	€ 5,519.36	€ 2,851.60
Q2	€ 4,540.61	€ 10,035.04
Q3	€ 3,273.57	€ 3,864.43
Q4	€ 11,533.30	€ 5,365.59
Grand total	€ 24,866.84	€ 22,116.66

The amount of the attendance fees in the 4th quarter of 2015 can be explained by the introductory meetings of Mr Joris van Bergen with the umbrella organizations and other parties involved in the Code of Conduct. Furthermore, the grand total of attendance fees paid in 2015 includes an amount of € 1,998.87 for VAT. The introduction of European legislation on 1 January 2013 obliges commission members who are being regarded as an entrepreneur by the Dutch tax authorities, to pay VAT over the attendance fees they receive for their activities for the National Commission. Whether a member of a commission is considered to be an entrepreneur is related to the number of supervisory positions they hold, as well as to which extent all these functions may be regarded as an independent performance of a profession. As such, in two cases the attendance fees were paid on an invoice sent by the entrepreneur. This does not apply to commission members who are employed by an educational institution.

The financial reserve 'additional research funding' of € 50,000, with which the Ministry of OCW 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 2015.

2.5 Composition

The Commission is pleased to say that after several exploratory talks, Mr Joris van Bergen was willing to become chairman of the Commission as of 1 September 2015, succeeding Mr Roel Fernhout.

Mr Van Bergen has a proven track record as a governor in higher education, he was for instance a member of the Executive Boards of Eindhoven University of Technology and Leiden University, and chairman of SURF. He is an expert in organizational processes, change processes and strategic management in higher education, and his attention particularly focuses on internationalization in higher education and the promotion of cultural exchanges between Dutch and international students. Because of this commitment, Mr Van Bergen will enthusiastically work on the protection of the interests of international students and the educational institutions in general, and of the Code of Conduct in particular.

Composition of the National Commission (2015)

FUNCTION	NAME	CAPACITY	UMBRELLA
chairman	Mr Joris van Bergen	Former member Executive Board Eindhoven University of Technology and of Leiden University, former chairman SURF	- ¹
acting chairman	Mr Cor Boom	Former president Saxion	The Netherlands Association of Universities of Applied Sciences ²
member	Mr Frans Kuipers	Former president Noordelijke Hogeschool Leeuwarden	The Netherlands Association of Universities of Applied Sciences
member	Mrs Susana Menéndez	Member Executive Board The Hague University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences ³
member	Mrs Karen Ali	Director Student Service Centre/ International Relations TU Eindhoven	VSNU
member	Mr Paul Rullmann	Former Board member Delft University of Technology, chairman Higher Education Efficiency Committee	VSNU
member	Mrs Heleen Keijzer-Lambooy	Former director ITV Hogeschool voor Tolken en Vertalen, former interim chairperson PAEPON (now NRTO)	NRTO ⁴
member	Mr Jan-Albert Dop	Former member Executive Board Webster University Leiden	NRTO ⁵
substitute member	Mr Huib de Jong	Rector University of Amsterdam and Board member of the University of Amsterdam and the Amsterdam University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences
substitute member	Mr Joep Houterman	Member Board of Directors Aeres Groep	The Netherlands Association of Universities of Applied Sciences ⁶
substitute member	Mrs Madeleine Gardeur-Veltman	Advisor International affairs University of Groningen	VSNU
substitute member	Mr Janco Bonnink	Coordinator Corporate Affairs VU University Amsterdam	VSNU
substitute member	Mr Jan van der Heijden	Member Executive Board Hogeschool Dirksen	NRTO ⁷

¹ As of 1 September 2015.

² Until 1 September 2015.

³ As of 1 May 2015.

⁴ Until 1 September 2015.

⁵ As of 1 September 2015.

⁶ As of 1 May 2015.

⁷ As of 1 September 2015.

In the meanwhile, the chairman has been presented to the umbrella organizations (the Netherlands Council for Training and Education [NRTO], the Netherlands Association of Universities of Applied Sciences [VH] and the Association of Universities in the Netherlands [VSNU]), the ministry of Education, Culture and Sciences [OCW] and other parties involved in the Code of Conduct. The chairman did also meet the portfolio manager for this subject at the Ministry of Social Affairs and Employment [SZW] and the Public Prosecution Service.

When Mr Van Bergen was installed, Mr Cor Boom resigned as acting chairman and as member of the Commission. Earlier this year, the VH appointed Mrs Susana Menéndez as a member of the Commission, replacing Mr Cor Boom. Mrs Heleen Keijzer-Lambooy, member on behalf of NRTO, has resigned after completing three terms of membership. The NRTO appointed Mr Jan-Albert Dop as her successor. The Commission is Mrs Keijzer-Lambooy and Mr Boom very grateful for their dedication during many years, in which they made an indispensable contribution to the implementation and successful operation of the Code of Conduct as an instrument of self-regulation by the educational field.

In 2015, the administrative office of the Commission underwent a few changes too. As of 1 September 2015 Mr Arno Overmars laid down his position as the Commission's secretary and is succeeded by Mrs Jolanda van den Bosch. Mrs Willina Broersma, researcher for the Commission, has interrupted her tasks because of health reasons. Mr Arno Overmars has temporarily taken over from her. For your reassurance: the contact details of the administrative office of the Commission as published on the website and at the end of this Annual Report have remained unchanged!

3. Preview 2016

The coming year will be an important year. Firstly, because in 2016 the Code of Conduct will have existed for ten years. The Code of Conduct, in addition to handling petitions, created important spillover effects that contributed to the improvement of the quality of higher education for international students. For instance, the Commission's examination of the educational institutions' websites (2013) made the institutions aware of the fact that they did not always have the correct information on their websites, or that this information was incomplete. In the opinion of the Commission all those who signed the Code of Conduct may jointly be proud and satisfied, although there are still sufficient reasons for looking back with the Commission to find out what can be improved. This will be done in an evaluation of the Code of Conduct. The Commission has asked itself the question if it is desirable and necessary to have the evaluation executed in the same way as in 2009, since the Code of Conduct has become general practice with the educational institutions, which means that less items are up for discussion than they were in the early days. In that respect, the evaluation should have the aim of adjusting the execution of the code by clarifying or tightening of the words of the text where needed. Together with the umbrella organizations the Commission chose to design the evaluation to link up with existing consultation structures (such as LAO, UPI and BCI) in which primarily the educational institutions are given the opportunity to share their experiences and indicate which points may be improved. Furthermore, international students and government bodies involved in the Code of Conduct will be asked to give their experiences with the Code of Conduct. A number of themes that can be identified by the evaluation, will be set out in further detail in a seminar to be organized by the Commission. The evaluation will also discuss the issue of refugee students which the educational field is confronted with at the moment.

Furthermore, in the context of its inquiry assignment, the Commission will deal with two subjects. The first subject concerns the outcomes of the examination of the preparatory year. As indicated in paragraph 2.4, a large group of international students appears not to continue with regular studies. Whether this has improved over the past few years cannot be gathered from figures by the Immigration and Naturalisation Service, as separate residence permits for the preparatory year have been abolished. The Commission's review has led to a number quantitative findings which it would like to share with the field. This will be done in the shape of a newsletter. The newsletter will mainly be used to give information and suggestions to the institutions and other stakeholders, without having the weight of a published report. The Commission intends to publish a newsletter twice a year.

Another review that will be carried out in 2016 is directed at the provision of information to international students about the study programmes. The question is whether the programmes meet the requirement of accreditation and how this information is given to the international student. Guidance for the inquiry is whether the one-time assessment on the inclusion in the Code of Conduct register is sufficient, or it needs to be tested again whether or not the institution still meets the requirements for inclusion after a certain period of time.

Finally, information given to the Commission made the Commission curious how in practice article 5.5 of the Code of Conduct works in relation to the Modern Migration Policy Act, and which problems the educational institutions experience in that regard. Institutions of higher education must report non-EU students to the Immigration and Naturalisation Service when they do not meet the requirements of academic achievement and cannot explain this by stating special circumstances. However, the students reported can reregister for the next academic year on the grounds of the Higher Education and Research Act, which cannot be refused by the educational institutions. In the coming period, the Commission will investigate this problem and analyse it in cooperation with the parties involved.

Credits

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