

Decision

in the matter of the petition d.d. December 7, 2012
from a former student of the Maastricht School of Management, hereafter petitioner,
regarding several actions of the Maastricht School of Management, hereafter MSM, and the Nuffic

Mark: LC/2012.001/DEC

1. PROCEDURE

On December 7, 2011 petitioner lodged a complaint with the National Commission regarding several actions of MSM and the Nuffic.

On January 31, 2012 the National Commission received the substantive arguments of the complaint.

In her meeting of March 22, 2012 the National Commission has discussed the file.

Based on the petition, it was unclear whether or not petitioner had followed or had tried to follow the internal complaint procedure of MSM, before lodging a complaint with the National Commission. Because petitioner has stated to be unwilling to present information about this, the National Commission has send MSM a written request on this specific topic on March 27, 2012. In the reaction from MSM, received on April 6, 2012, is stated that all complaints petitioner has lodged on December 7, 2011, have been discussed by MSM and petitioner internally, as well as by MSM and the lawyers of petitioner.

2. PETITION

The petition is, as far as the Code of Conduct is concerned, about the following issues:

- a. The lack of accreditation of the PhD-program.
- b. The alleged incorrect/incomplete information provision about the content and the organization of the program to follow (master or PhD).
- c. Not providing the promised education.

Petitioner wants the National Commission to make sure that:

- a. She is to be re-admitted by MSM in order to end her PhD-program;
- b. She is to be re-granted a NFP-scholarship by the Nuffic;
- c. Several members of the staff from MSM and the Nuffic are to be exempted from duties, and
- d. An indemnification of at least € 200.000,- is to be paid by MSM and the Nuffic.

3. ADMISSIBILITY

The National Commission is only competent to judge actions of higher education institutions that are registered in the Code of Conduct's Register; the Nuffic is not one of them.

The MSM is a higher education institution and has been registered in the Code of Conduct's Register since May 19, 2006.

A part of the actions took place before the date the Code of Conduct came into force. Petitioner has started the program in March 2006 and the alleged incorrect/incomplete information provision was dated even before that, while the Code of Conduct came into effect by May 1, 2006.

Besides that, petitioner did not provide the National Commission with a copy of her residence permit. In her complaint petitioner states that she was issued a permit in the past, but it was no longer valid. Whether the permit that was issued to petitioner is a permit for 'study' (student at MSM) or for 'labour' (employee of MSM), is unclear by reason that petitioner is not willing to provide the National Commission with a copy of the permit.

4. FINDINGS

Article 17 from the Rules and Regulations, which forms an integral part of the Code of Conduct, states that the National Commission can decide not to process a petition, or to discontinue the consideration thereof, if a petition is submitted more than one year after the notification by the higher education institution of the findings of the investigation into the complaint, or the 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. Most of the issues petitioner complains about, took place in the period 2007-2010. The issues were also discussed in detail with MSM at that time, and where part of the legal actions from petitioner against MSM.

In the past, and besides the legal actions against MSM, petitioner has lodged complaints with the Nuffic (2007), the Nationale Ombudsman (2008), the Promovendi Netwerk Nederland (2010) and the Commissie Gelijke Behandeling (2011). It is unclear for the National Commission whether all legal cases have been ended by now. Petitioner is not willing to answer several requests by the National Commission to provide information about the reactions and outcomes on the procedures. For that reason, the National Commission is unable to make sure that either all procedures have been followed, or that some actions are still part of the mentioned (legal) procedures, or that another mechanism has already been in place. Therefore petitioner has not fulfilled her burden of obligation to provide information on the basis of article 20 from the Rules and Regulations.

5. DECISION

The National Commission is of the opinion that there are no grounds to process the petition.

Prof. mr. R. Fernhout, chair, mrs. H.A.M.F. Keijzer-Lambooy, mrs. dr. K.S. Ali, mr. J. Donner, prof. dr. F.A. van der Duyn Schouten, ir. F. Kuipers en mr. drs. C. Boom, members, in attendance of ms. mr. W.E.A. Leusink, researcher en mr. A.G.D. Overmars, secretary.

Thus decided in Utrecht on April 24, 2012

prof. mr. R. Fernhout
chairman

mr. A.G.D. Overmars
secretary

Send: April 27, 2012.