

# **Final Evaluation Report Code of Conduct Higher Education**

March 2017

National Commission  
*Code of Conduct*  
Higher Education

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## Preface

“Generally speaking, the institutes and the government bodies we interviewed were satisfied with the operation and content of the Code of Conduct.” That was the first sentence of the conclusion of the external evaluation in 2009. At that time, the Code of Conduct had been in force for three years. Several recommendations of that evaluation were incorporated in the Code of Conduct. This final report will also cover the points that did not lead to changes back then.

Since then, practical experience and changes in rules and regulations gave rise to several revisions of the text. The result is that the Code of Conduct and the National Commission (NC), that supervises compliance with the Code and makes proposals for improvement, now fulfil a prominent role in Higher Education. The Commission's dynamic practice of working on subjects and various types of actions, has come out in frequent informal and formal meetings with umbrella organizations, institutes, government bodies and international students.

The Code of Conduct stipulates that an evaluation should take place every five years. With a view of the practice of cooperation and open communication that has emerged, the 2016 evaluation was approached as a process of structured reflection by the parties most closely involved. What can be improved and which developments bear consequences for the Code of Conduct?

The Commission has addressed and facilitated this evaluation process with great interest. Together with the partners most closely involved, all collated oral and written input was used to formulate points for improvement of the Code of Conduct. The Commission would like to express its gratitude to the working group consisting of representatives of the umbrella organizations and the advisers of the Ministry of Education, Culture and Science (Ministry of OCW) and the Immigration and Naturalisation Service (IND). The Commission is very grateful for their commitment and constructive cooperation. The other points that have been contributed will be picked up by the relevant body or bodies, or will be the subject for further mutual discussion. This Final Report renders account for the content and procedures of the evaluation. The management summary provides a concise overview of these.

The Commission would like to thank everyone who worked on the evaluation. The widely-felt interest and commitment in providing proper education and well-being to our international students impressed us the most.

Joris van Bergen  
Chairman National Commission

## Management summary

Article 8.3 of the Code of Conduct stipulates that every five years the content and effects of the Code of Conduct must be evaluated by at least the institutes involved, the stakeholders and the administrator of the register. The initiative for the evaluation will be taken by the Commission. The aim of the evaluation is to update and improve the text of the Code of Conduct in consultation with the institutes, umbrella organizations, students and relevant government bodies, taking the current execution by the institutes as the leading factor. For the supervision of the evaluation a working group was set up which included representatives of the umbrella organizations: NRTO (Dutch Council for Training and Education), the Netherlands Association of Universities of Applied Sciences and VSNU (Association of universities in the Netherlands), together with the office of the NC, and with an advisory role for the Ministry of OCW and the IND.

### ***Evaluation process***

The educational institutes and other parties involved in the Code of Conduct were approached in distinctive ways to make suggestions for improvement of the text of the Code of Conduct. First the parties involved were informed about the evaluation process in writing. The educational institutes that were not represented by one of the umbrella organizations were invited to send their input in writing. Subsequently, the working group linked up to existing consultation structures of the umbrella organizations (the International Relations group of the universities of applied sciences, the National Assembly of Admissions Officers, the University Platform Internationalization, and the NRTO assembly) to ask for points for improvement. After that, a similar meeting was held with stakeholders (Ministry of Education, Inspectorate of Education, Ministry of Security and Justice, IND, Ministry of Social Affairs and Employment, Accreditation Organization of the Netherlands and Flanders [NVAO] and the Netherlands Organization for International Cooperation in Higher Education [Nuffic]) on the operation of the Code of Conduct. Furthermore, several international students were interviewed about their experiences with the provision of information and support by the educational institutes, and to ask whether they were familiar with the Code of Conduct.

The outcomes of these surveys were used to formulate several themes. The working group classified the themes into three categories. The first category contained subjects that easily could be translated into text revisions of the Code of Conduct. The second category contained more complex issues. A seminar with hands-on experts from institutes and other organizations related to the Code of Conduct was organized to discuss in workshops provision of information, recruitment, binding and international education. The outcomes of this day and the input collected from the surveys led to an update and more precise rephrasing of the text of the Code of Conduct. And finally, the third category identified several issues from which it had become clear that they would need additional investigation in the coming time, or that might be picked up by another party.

### ***New version Code of Conduct***

The NC looks back at the procedure of the evaluation with a feeling of contentment. The evaluation resulted in a text proposal for a new version of the Code of Conduct. The NC agreed with the text, after which the document was approved of by the members of the umbrella organizations in accordance with Article 8.2 of the Code of Conduct. The new version of the Code of Conduct was circulated in March 2017. The text will come into effect on 1 September 2017. The revised text will be considered to apply to international students who register with an educational institute after 1 September 2017. The evaluation did not lead to major revisions, but rather is a reconfirmation of the Code of Conduct. Many of the revisions of the Code of Conduct are of a textual or technical/judicial nature.

The most notable revisions include an update of the language table and the addition of an exception of the obligation to administer a language test to international students who have obtained the International Baccalaureate English A: Language and Literature certificate. The growing offer of joint and multiple degrees has also been taken into account. As for the obligation to administer a language test, it was included that the educational institutes could make further arrangements regarding the language requirement within the framework of the Code of Conduct. Such a language test then needs to be taken only once. Furthermore, the powers of the NC have been detailed in the Code of Conduct. This is a description of the current working method of the NC. The increasing internationalization of education and the growth of the numbers of international students may lead to more substantial revisions of the Code of Conduct in the future. Examples are the definition of international students, joint and multiple degrees and online courses. For now, the Code of Conduct is up-to-date and in line with these developments. However, it is important that this should be monitored. That is why in five years' time the next evaluation will be conducted, and the Code of Conduct may be updated early when the need arises.

### ***Rules and Regulations Code of Conduct***

The Rules and Regulations that are linked to the Code of Conduct will also be updated in unison with the new version of the Code of Conduct. The Rules and Regulations detail the provisions of the Code of Conduct. The document will be adopted by the NC in a separate procedure and will be circulated together with the new version of the Code of Conduct. Most important was the specification of the investigating task of the NC. The NC has developed its own method, but this had not been laid down in the Rules and Regulations. Accordingly, the current method now has been laid down.

### ***Follow-up actions***

The evaluation has not only given input for a new version of the Code of Conduct, it has also resulted in more general themes that the NC would like to focus on in the coming years. One of the first is the theme of awareness that the Code of Conduct is a product of the educational institutes themselves. What naturally follows is the fact that the Code of Conduct is not very well-known to some staff members of the educational institutes. In the past years, the NC worked on several tools to increase the familiarity with the Code of Conduct, as well as its own visibility. It has done so by for instance publishing a newsletter, launching a restyled and updated website and by exploratory visits to several educational institutes by the chairman of the NC. The NC will continue this line of policy. Furthermore, the participants of the seminar suggested to develop a summary for staff members and students of the institutes so that they can easily take knowledge of the main points of the Code of Conduct. A short video will be developed for international students in which it will be explained how they can benefit from the Code of Conduct. Both instruments may contribute to the familiarity and accessibility of the Code of Conduct in a simple way. Finally, the diploma list will be updated in 2017. The list contains the diplomas which its bearers may use to apply for an exemption of the English language test. Several educational institutes indicated that this list should be updated. The diploma list is an appendix to the Code of Conduct. The list will be updated in a separate process which the umbrella organizations will initiate.

## Introduction

As of 1 May 2006, educational institutes use the Code of Conduct Higher Education they have designed for recruitment and admittance of international students to Dutch higher education. The Code was revised after an exhaustive evaluation in 2009, and in 2013 and 2014 several additional textual revisions were made. Aside from arranging for petitions, the Code has spillover effects that contribute to improvement of the quality of higher education offered to international students. The Code of Conduct has proven to help how institutes deal with international students. The National Commission (NC) is of the opinion that the signatories of the Code of Conduct have every reason to be satisfied, but there is also ample reason to look back and see what can be improved.

Article 8.3 of the Code of Conduct stipulates that every five years the content and effects of the Code of Conduct must be evaluated by at least the institutes involved, the stakeholders and the administrator of the register. Based on this evaluation, the Code of Conduct can be readopted, either with or without revisions. The last evaluation was carried out in 2009, which meant that the next evaluation should have taken place in 2014. The umbrella organizations and the NC consulted with the Ministry of OCW to propose that an evaluation in 2016 would be more sensible. The reason was that in March 2013 a fully revised text of the Code of Conduct had come into force and that in August 2014 a list of diplomas was added to the Code of Conduct.

Regarding the set-up of the evaluation for which the NC has taken the initiative, the NC asked itself the question whether the evaluation should have to be carried out in the same manner as in 2009. At that time, it was a comprehensive evaluation, carried out by an external research agency. After 10 years, the Code of Conduct has become the practice for educational institutes, and fewer items are up for discussion than in 2009. That is why in consultation with the umbrella organizations a more limited approach of the evaluation was chosen. The aim was to update and improve the text of the Code of Conduct in consultation with the institutes, umbrella organizations, students and relevant government bodies, taking the current execution by the institutes as the leading factor. For the supervision of the evaluation a working group was set up which included representatives of the umbrella organizations: NRTO (Dutch Council for Training and Education), the Netherlands Association of Universities of Applied Sciences and VSNU (Association of universities in the Netherlands), together with the office of the NC, and with an advisory role for the Ministry of Education and the Immigration and Naturalisation Service. The working group was chaired by the former secretary of the NC, Mr Arno Overmars. The key task of this working group was to identify points for improvement put forward by the umbrella organizations, the educational institutes and other parties interested in the Code of Conduct, as well as to elaborate on these points and to safeguard the evaluation process.

The educational institutes and other parties involved in the Code of Conduct were approached in distinctive ways to make suggestions for improvement of the text of the Code of Conduct. First the parties involved were informed about the evaluation process in writing. The educational institutes that were not represented by one of the umbrella organizations were invited to send their input in writing. Subsequently, the working group linked up to existing consultation structures of the umbrella organizations (the International Relations group of the universities of applied sciences, the National Assembly of Admissions Officers, the University Platform Internationalization, and the NRTO assembly) to ask for points for improvement. A similar meeting was held with stakeholders (Ministry of OCW, Inspectorate of Education, Ministry of Security and Justice, IND, Ministry of Social Affairs and Employment, NVAO and Nuffic) on the operation of the Code of Conduct in relation to the various policy domains. Furthermore, several international students were interviewed about their experiences with the provision of information and support by the educational institutes, and to ask whether they were familiar with the Code of Conduct.

The outcomes were used to formulate several themes. In addition, actions that had not yet been completed since the 2009 evaluation were included. The themes were classified into three categories. The first category contained subjects that easily could be translated into text revisions of the Code of Conduct. The second category contained more complex issues that were better suited for discussion in a seminar with hands-on experts from educational institutes and other organizations related to the Code of Conduct. In the seminar that was held on 12 October 2016, these subjects were further analysed and possible solutions were discussed. The working group converted these suggestions into revisions of the text of the Code of Conduct. Finally, a third category identified several issues as points for attention, although these were not urgent and would need additional investigation by the NC, or could be picked up by another party. The above-mentioned process led to a revised text of the Code of Conduct, which can be read on the website.

## Outcomes evaluation 2009

In 2009, the first and also the latest evaluation of the Code of Conduct was made. The evaluation was conducted by research agency ITS in Nijmegen. The general conclusion of the research agency was that basically the institutions and the government bodies were satisfied with the operation and content of the Code of Conduct. ITS found that Code of Conduct as a tool of self-regulation worked properly and that it largely met the expectations. ITS concluded that the Code of Conduct had already served its purpose in only a brief period and should therefore be continued.

Based on its investigation, the research agency formulated several points for improvement and recommendations. These can be classified into two categories. The first category contained recommendations of a substantial nature, for instance the phrasing of the language requirement. ITS concluded that the educational institutes needed unambiguity regarding the language tests that could be used to assess the student's proficiency of the English language. A second category of recommendations was of a procedural nature, for instance the suggestion to include the Rules and Regulations in the Code of Conduct. This recommendation was not implemented because the NC establishes the Rules and Regulations, whereas the text of the Code of Conduct is established by the educational institutes, represented by their umbrella organizations. Based on the ITS' conclusions and recommendations, a working group (consisting of representatives of the umbrella organizations, OCW, Justice and the secretary of the NC) set to work on processing and translating these into a proposal for a revised text of the Code of Conduct in mid-2009. At the end of 2009, the revised text came into force.

Several recommendations made by ITS were not included in the 2009 revision of the Code of Conduct. The suggestions for improvement and points for attention that still need further specification, have therefore been included in the current evaluation. These are the following items:

| Recommendation  | Follow-up action   | Action to be taken  |
|---|--|---|
| 1) Language requirements are an important factor in the admission of students. It should become clear which language tests may be considered equal to IELTS and TOEFL and which not. Having followed preparatory education in English in the home country could be considered sufficient in that respect. | In 2009, several language tests such as Cambridge and TOEIC were added to the Code's language requirement. In 2013, exchange students were explicitly added to the Code of Conduct. With a view to the language requirement, a specific provision was included that exempts the students from a language test. Furthermore, the possibility of having an own language test was cancelled as educational institutes did not submit these language tests to external validation. In 2014, an additional exemption was added in the form of a diploma list that includes diplomas of which the bearer could apply for exemption.  | Several suggestions were made for revisions of the table of Article 4.2. These have been detailed in the 2016 evaluation. They concern primarily an update of the test scores.  |
| 2) It is not clear enough which national and international accreditation organizations may be considered equal to the NVAO.   | In 2009, a provision was included in the Code that the administrator of the register should publish a list of foreign accreditation organizations that are comparable to the NVAO. This did not prove to be feasible. For that reason, the provision to draw up a list was deleted from the Code in 2013. Furthermore, the text of Article 5.2 was adjusted: accreditation should no longer be comparable to that of the NVAO. However, an institute can only offer accredited degree programmes that are based on the legislation of other countries, if in that country the accreditation of such programmes is carried out by an accreditation organization for higher education of which the decisions are recognized by the corresponding government. | In an exploratory talk with the NVAO (end of 2015), the suggestion was made to restrict the provision to the accreditation organizations that are included in the EQAR register (European Quality Assurance Register for Higher Education). This register contains the accreditation organizations that meet a European standard. Therefore, the NVAO recognizes the decisions by these organizations. The register administrator indicated that it meets with difficulties in assessing new applications in case of institutes that offer programmes that have not been accredited by the NVAO, but instead by a foreign quality or certifying organization. |

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|--|---|---|
|  |   | Both issues were examined in the 2016 evaluation.   |
| 3) Not all institutes are equally familiar with the activities of the register administrator and the NC. It would be recommendable to publish a - digital - newsletter, directed at the institutes, which periodically reports about the activities and other news of the NC and the register administrator. | The first newsletter about the activities of the NC was published in 2016, in which educational institutes and other interested parties were informed about the activities of the NC and issues concerning the Code of Conduct. The newsletter is scheduled to be published twice a year.   | The 2016 evaluation also paid attention to the question of familiarity with the Code of Conduct and the NC. For this, international students were approached as well.   |
| 4) The register has no legal basis and as such has no legal grounds for refusing inclusion. It might be advisable to examine what possibilities of appeal against refusal may be included.   | The Education Executive Agency (DUO), being the register administrator, checks applications by educational institutes against the provisions in the Code of Conduct. In the past years, about twenty institutes withdrew their applications because they could not answer the requests made by DUO to submit proof of meeting the requirements of the Code of Conduct, in particular that of accreditation. In a few cases DUO rejected an application for inclusion in the register; no objections or appeals can be made against such decisions because they are no decisions as meant in the Dutch General Administrative Law Act. A complaint may be submitted to DUO (to be dealt with by DUO's complaints officer). This has been done once since 2006, in which the complaint was declared unfounded based on an external advice by Nuffic and the NVAO. | The problem has remained unchanged and needs further attention.   |
| 5) The obligation to deregister as formulated in Article 5.5, leads to a lack of clarity and proves difficult to be enforced. Therefore, a prompt agreement on a study progress monitoring system is important.  | In 2013, the Dutch Modern Migration Policy Act came into force. For this reason, Article 5.5 was added to the Code of Conduct. This article contains a provision about study progress monitoring. In 2016, the IND published a report about the number of reports that were based on this provision.  | The NC discussed the issue - for instance in the newsletter - referring to a case in which a student was deregistered in relation to the Dutch Higher Education and Research Act (WHW) after the student tried to register. |



## Activities NC 2010-2016

The NC is an independent supervisory commission that acquired corporate personality by establishing a foundation. The NC supervises compliance with the Code of Conduct by handling petitions and performing investigations at its own accord. In both its decisions and investigations, the NC aims at improvement of the quality of the education offered to international students. This is achieved primarily by making recommendations and imposing measures. With this, the NC contributes to the quality and attractiveness of higher education to international students, which has positive effects on student mobility. Below is a general overview of the activities and work of the NC in the past six years. For more specific information, please refer to the website of the NC: [www.internationalstudy.nl](http://www.internationalstudy.nl).

### Investigations and petitions

The research function of the NC is inextricably linked with its supervisory tasks. This function was made official in 2010, and a staff member of DUO was positioned to support the NC. From 2010 to 2016, the NC carried out twelve investigations.<sup>1</sup> The findings led to talks with the reviewed institutes and sector organizations, and resulted in for instance adjustments to the information provided in brochures and on the internet. In this manner, the NC tries to contribute to raising the quality of information given by the educational institutes. The NC greatly values proper information to be given to international students about the offered programmes. In 2016, the NC conducted two investigations into the information about study programmes provided on the website of educational institutes and in other online databases. The reports were published on the website of the NC in the beginning of 2017. The investigations led the NC to conclude that discrepancies exist in the information offered to international students through various information sources, which may lead to confusion. The NC will discuss this with the umbrella organizations in April 2017.

Furthermore, the NC is authorized to carry out an investigation into actions of an educational institute based on indications to that effect. In 2014, an investigation led the NC to the conclusion that an institute had provided international students with incomplete and misleading information about the accreditation of the study programme it offered. Moreover, the institute had not given complete information about major exemptions. Considering the gravity of the violations identified by the NC, the institute was temporarily deleted from the register of the Code of Conduct for one year (2014-2015). In that year, the institute was given the opportunity to conform to the provisions of the Code of Conduct and to prove by means of independent examination that the defects were repaired. In 2015, the NC received the report that showed that the situation had been normalized and that the institute had taken measures to repair the earlier defects in relation to the Code of Conduct. In 2016, the NC asked the register administrator to delete the institute from the register because in the meantime the accreditation of the only accredited study programme had been withdrawn by the Minister of OCW. As such, the institute no longer met the requirements of the Code of Conduct.

Another task of the NC is to process petitions. International students and third parties should turn to the relevant educational institutes for complaints first, after which the complaints procedure with the NC can come into effect. This procedure allows institutes to solve the problems themselves first. In the period 2010-2016, the NC gave a decision in fourteen complaints procedures.<sup>2</sup> The complaints were submitted by - former - students, the IND and educational institutes. In some cases the NC imposed a measure, for instance the obligation to report. No legal actions can be taken against the decisions of the NC. Nor is the National Ombudsman competent to pass judgements on complaints dealt by the NC, as the NC is no administrative authority.<sup>3</sup>

### Other activities

Further to its official tasks, the NC has performed a mediating role in the past year. Throughout the years, the NC experienced that complaints by international students often regarded the communication

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<sup>1</sup> See: <http://www.internationalstudy.nl/pagina/onderzoeksrapporten>.

<sup>2</sup> See: <http://www.internationalstudy.nl/pagina/uitspraken-klachtprocedures> and <http://www.internationalstudy.nl/en/page/decisions-on-complaints>.

<sup>3</sup> Ombudsman, case 2011.00205 002. The case was submitted by two applicants, who both complained about the hearing procedure which was part of a petition the NC handled. Because of a stay outside the Netherlands, the applicants could not personally attend the hearing. They asked for a hearing by telephone, or by Skype, but that request was rejected. They were not given the opportunity to respond to the statements made by the educational institution. Furthermore, the report of the hearing was sent to the educational institution, but not to the applicants. Lastly, they complained that the NC had observed that several provisions of the Code of Conduct were violated, but nevertheless no sanction was imposed. The National Ombudsman stated that the NC was established by the sector organizations in higher education. These sector organizations are not government bodies. Although DUO, which is a part of the Ministry of OCW, acts as the secretary for the NC, this does not mean that the NC is an administrative authority, said the National Ombudsman.

between the student and the educational institute, in which cultural differences could be an important source for misunderstandings. By mediating, the NC tries to prevent that such situations escalate into official petitions. The advantage for international students is that they are being helped sooner and do not have to go through the complete petitioning procedure with the NC. Of course, these advantages also apply to the educational institutions. The NC will be reticent in this, so that it will not become a party in a dispute.

The NC paid attention to its communication towards the educational institutes in the past years. One of the outcomes of the 2009 evaluation was that not all institutes are equally familiar with the activities of the NC and the register administrator. For that reason, the NC developed a brochure for international students in 2011. Another recommendation was to publish a digital newsletter, directed at the institutes, which periodically reports about the activities and other news of the NC and the register administrator. The NC acted on this recommendation and decided to circulate a newsletter twice a year, which by the way was well received. In 2016, the NC published two newsletters in which it explained its activities and work by discussing several issues. The newsletter is circulated among staff of educational institutes and other interested parties. By extension a restyled website was launched. The new website offers better possibilities to dynamically post articles and share information with the educational institutes.

For the execution of its activities, the NC tries to link up to several policy developments that regard internationalization of higher education and the position of the international student. The Code of Conduct tries to contribute to the internationalization ambitions of the Dutch government and institutes of higher education. It does so by promoting the Netherlands as an attractive destination for studies. At this moment, the NC co-reads the implementation plan regarding the new European directive about the conditions for granting access and stay to among others non-EU students. The Code of Conduct has helped to shape the implementation of this directive's predecessor. The Code of Conduct has also been important for the elaboration of the Modern Migration Policy Act which came into effect on 1 June 2013. As a consequence, all existing agreements between the IND and the educational institutes were terminated by force of law. The accelerated procedure for granting residence permits is continued by the so-called recognized sponsorship. Only institutes that have been recognized by the IND as a sponsor and as such meet certain criteria, are allowed to receive students from outside the EU. Signing the Code of Conduct is one of these criteria. Moreover, the Code of Conduct obliges the educational institutes to provide the IND with specific information in the context of the recognized sponsorship. An educational institute, for instance, is responsible for informing the IND timely when a student shows insufficient study progress or has stopped studying.

### **Composition NC**

Over the last years the composition of the NC underwent several changes. Until March 2013 SAIL was one of the umbrella organizations related to the Code of Conduct. SAIL appointed a member of the Commission until then. As most the members of SAIL merged with several Dutch universities, SAIL ceased to exist as an umbrella organization. In the new text of the Code of Conduct which came into force on 1 March 2013, SAIL was no longer mentioned as an umbrella organization linked to the Code of Conduct, and at the same time its membership of the NC terminated. For that reason, the articles of association of the Stichting Landelijke Commissie were amended in 2013 and the number of members in the Board was decreased to six. The VSNU and the Netherlands Association of Universities of Applied Sciences each appoint two members and the NRTO appoints one member. The sixth member is the independent chairman appointed by the NC.

## Findings of the 2016 evaluation

This overview integrates and categorizes the input that the evaluation working group collected from the various surveys into:

- a) subjects that easily could be translated to revisions of the text of the Code of Conduct and for which an administrative decision would suffice.
- b) topics to be discussed whether they would need a specific proposal. These themes were discussed during the seminar.
- c) issues that were identified as points for attention, but which did not seem to be urgent and needed further investigation in the coming period, or could be picked up by another party.

### a) **subjects for which an administrative decision would suffice**

#### General/other

- Deletion from the register is the ultimate sanction, and as this has far-reaching consequences. Alternatives will often be considered, such as a conditional deletion with the obligation of investigation and reporting. It was suggested to give more options for sanctions and to include these in the Code. An example is the inclusion of a warning or raising a 'red flag' for the institute in the register of the Code of Conduct, which shows the outside world - and the prospective student - that there is an issue with that institute, or that a measure or temporary deletion was imposed. The sanctions should become more serious in case of repetition.

#### Language table

The language table has been revised and the following points for attention have been included:

- For several institutes the language requirement is a topic of discussion. The internal policy of the institutes should be reviewed because of new views on the subject. Finding the correct level for language proficiency remains a complex issue, even in the case of EU students. Several educational institutes stated to require a higher score than currently set by the Code of Conduct.
- Reference to the Common European Framework (CEFR) may be desirable. According to the institutes, relating the scores to the CEFR will help admission officers in assessing the language level, which is a specific issue in the case of the Erasmus+ exchange programme which makes use of such scores. However, the CEFR is not an independent language test, but an indication of the language level and therefore cannot be compared with tests included in the table.
- In the past, several institutes suggested of an own language test to determine the level of English. At the moment, the language tests are limited to tests mentioned in the Code. However, no consensus was reached about the introduction of having an own language test.
- Exchange students have been exempted from a language test. The educational institutes state that this approach should be maintained.

#### Miscellaneous

- The outcomes of the legislative proposal regarding the protection of definitions as 'university' and 'university of applied sciences' should be included in the new text of the Code of Conduct.
- The institutes remark that 1 March 2017 as the date of the new Code entering effect, is rather late with a view of recruitment for the coming course year 2017-2018. A proposal was made to use a transitional period, or to have the Code come into effect at an earlier date. The institutes state that they started recruiting students as early as October 2016. In the seminar, 1 September 2017 was given as the ultimate date.
- No term was set for educational institutes to deregister students with the IND in case of insufficient study progress. It was arranged that a meeting will be organized to discuss this. In practice, institutes review the situation each year in June/July, at the moment of issuing the binding study advice. Therefore, in case of insufficient study progress in the first term, a student will only be deregistered after several months.
- Institutes that take part in the Code can be any institute that offers study programmes that meets the accreditation requirement of the Code of Conduct. The Inspectorate of Education and the NVAO suggest that a provision might be included in the Code of Conduct to the effect that the educational institute must be recognized as such by the government (legal personality higher education). Right now, some participating institutes are not covered by the supervision of the Inspectorate and the assessment of quality is not done by the NVAO.

- An obligation to investigate should be imposed on an institute that accepts transfer students from another institute. It should be clear in advance from which institute the transfer student originates, which study programme they followed and how many credit points were obtained. This should be a task for the accepting institute: charting/checking the Dutch study history of the student. A problem is that this is not easily achieved, but in fact is important for the assessment of the level and the safeguarding of quality. The student's consent is needed as well.
- When including an institute in the register, DUO (register administrator) checks whether the institute meets the provisions of the Code of Conduct. Once included in the register, the NC has the task to supervise the institute. However, no arrangements have been made about a recurrent check, for instance whether the institute still offers accredited - in the Netherlands or abroad - programmes or whether they still fulfil the language requirement. Would such a recurrent check be a task of DUO (as the register administrator) or of the NC (as the supervisor)? Who should - from time to time - ensure that institutes still could be included in the register?

**b) topics to be discussed whether they would need a specific proposal (seminar)**

General

- Transnational education. Does the Code cover educational programmes offered by a Dutch institute outside the Netherlands in case that institute awards diplomas according to Dutch law? The institutes stated that this would be desirable. The programme could be certified abroad and the NVAO would have to recognize the relevant accreditation decision to ensure that diplomas could be awarded according to Dutch law.
- Definition international student - does the current definition suffice, or should the definition be more restricted or more detailed (full-time, part-time, et cetera)?

Provision of information

- A more general problem is the Dutch method of teaching. This differs from other countries, especially from those outside of Europe. The question raised by the institutes is whether the admission requirements should be stricter. The disadvantage is that this would affect the number of students that come to the Netherlands for study purposes. Furthermore, many students adapt to Dutch teaching during the course year. A solution could be to give the prospective student more detailed information about the Dutch method of teaching.
- Is the obligation to provide information about the education and examination regulations still relevant?
- The information must be provided timely. What exactly is meant by timely? Should this be specified (for instance 6 months)?
- The Inspectorate would like to draw attention to the cooperation between Dutch and foreign educational institutes. The information should be clear about which institute is responsible, whether a Dutch certificate will be awarded and which institute would be the degree awarding institute. This applies likewise to joint degree and offshore education (at this moment it is not yet possible to award a Dutch diploma according to Dutch law for foreign study programmes. A governmental decree would be needed for this).
- Before coming to the Netherlands, students were not aware of the distinction between a university and a university of applied sciences. This distinction only became somewhat clear when they were studying, although they still found it hard to make the distinction.
- Students were not familiar with the Code of Conduct. It was suggested to include it in the information packages students receive before they come to the Netherlands.
- The brochure of the Code of Conduct has too many pages. Students only briefly look at the information they receive, but do not sit down to read the texts properly. The suggestion was made to write down in a half page what the Code of Conduct is and what the NC can do for students.
- Admission officers often were familiar with the Code of Conduct, but other staff members not.

Binding

A point for attention is the ability to speak Dutch, or rather the lack of it. Students said that because they are not proficient in Dutch, they often have difficulties in acquiring a job on the side. It also made it difficult for them to find a job after graduation.

- In the final phase of their studies they did not receive any information about this. Most students did not know which possibilities they had and what conditions must be met to stay in the Netherlands for work after graduation.

#### Recruitment

- One of the institutes stated that the Code does not define unethical behaviour by agents and leaves institutes much freedom for their recruitment activities. An increasing number of educational institutes are member of IACAC, NACAC and NAFSA and some of the criteria used by these organizations could be adopted for this topic.

#### **c) issues that were identified as points for attention, but which did not seem to be urgent and needed further investigation in the coming period, or could be picked up by another party.**

##### General

- Students sometimes feel inhibited to submit a complaint with the official bodies. They are often afraid that it will consume much time and money, and that it might even endanger the completion of their studies or affect their rights to stay in the Netherlands. Therefore, they sometimes do not submit a complaint and try to complete their studies as soon as possible.
- Official sharing of information between stakeholders of the Code of Conduct. Juridification has made formal sharing of information difficult. Informal sharing of information is not a problem.
- The definition of an international student does not include refugee students. Such students have no residence permits for study purposes. Should this be changed?
- Should doctoral candidates be explicitly excluded from the Code? Does the Code apply to students only? Should this be included in the definition?

##### Accreditation/quality

- The WHW does not cover the preparatory year, nor does the Inspectorate supervise it. A preparatory year can be very useful, but it can also contain risks.
- The proposal to link the accreditation requirement to the EQAR register was not encouraged because:
  - a) inclusion in the register is voluntary,
  - b) accreditation bodies in the register are not always recognized by the government,
  - c) the substance of the accreditation by these bodies may not always correspond with that of the NVAO and may not lead to recognized degree in all cases.Furthermore, the register is limited: it only applies to Europe, and it does not cover everything in Europe.

##### Diploma list - *this is a separate topic*

- An educational institute stated that it applied the exception provision for the language test in the past year. Students who had a diploma that was on the diploma list were exempted from the English language test. However, the institute recently decided not to apply this exception any longer and to tighten its policy. It turned out students from certain regions still seem to have an insufficient command of English. Another institution stated to be curious about the experiences of other institutions with the diploma list in that respect. Little seems to be known about this.
- Several institutes indicated that the list should be extended. The institutes were in favour of a wider use of this list.

##### For other parties

- Sometimes institutes received fluctuating information from the IND about educational issues in relation to the consequences under immigration law.
- Students mainly experienced problems with housing and the costs of living.
- The information about the procedure of applying for a citizen service number (in Dutch BSN) is unclear. What is meant by a municipality, a healthcare insurance et cetera. Should this be explained in a flowchart to detail the steps?

## Seminar

On 12 October 2016, the working group organized a seminar to discuss the operation of the Code of Conduct with the educational institutes and other parties that take an interest in the Code. The aim of the seminar was to jointly update and improve the text of the Code of Conduct where needed. Based on surveys held in various consultation structures, interviews with students and a poll, several issues were identified for improvement of the working of the Code. These topics were to be discussed further, see also the paragraph Findings under b. The topics were categorized in the themes provision of information, recruitment and binding, and international education. In the afternoon workshops were held on these themes to discuss points for improvement and problem-solving approaches. The outcomes of the day, the input collected from the surveys and the still outstanding actions from the 2009 evaluation led to an update and more precise rephrasing of the text of the Code of Conduct.

The seminar was led by an independent chairwoman of the day, Ms Lisa Janssen, to enable an open discussion with the participating parties. The chairman of the NC, Mr Joris van Bergen, gave the participants an update of the evaluation process, the revisions of the text of the Code of Conduct so far and the steps that still needed to be taken. After that, presentations were given from the perspective of three different organizations about the developments in international education and how these relate to the Code of Conduct. The presentations were held by: Ms Jodien Houwers of the University of Groningen, Mr Joost van der Veen, policy adviser of the Ministry of OCW and Mr Mark Frederiks of the NVAO.

After the lunch break, the participants split up into four groups to discuss the earlier mentioned themes in a workshop. The outcomes, of which the most notable results were discussed by the NC in a plenary session, were:

| Programma         |  |
|-------------------|--|
| 10.00 - 10.30 uur | Ontvangst  |
| 10.30 - 10.45 uur | Opening  |
| 10.45 - 11.00 uur | Toelichting evaluatie  |
| 11.00 - 12.00 uur | Presentaties internationaal onderwijs  |
| 12.00 - 13.00 uur | Lunch  |
| 13.00 - 14.15 uur | Workshops met de thema's:<br>Informatievoorziening<br>Werving<br>Binding<br>Internationaal onderwijs |
| 14.15 - 14.45 uur | Pauze  |
| 14.45 - 15.45 uur | Terugkoppeling workshops   |
| 15.45 - 16.00 uur | Afsluiting   |
| 16.00 uur         | Borrel   |

### Workshop provision of information

- The text of the Code of Conduct is not easily accessible for international students.
  - o Proposal: publish a brochure on the website of the institutes and/or make a short video that explains the Code.
- The provisions of Article 2.1 of the Code of Conduct are practicable and clearly defined.
  - o The institutes agreed with the proposal to delete Article 2.1b of the Code of Conduct as this provision is unclear and largely covered by the other provisions of Article 2.1.
- Most of the participants stated not to be familiar with the Dutch Advertising Code Committee and the Advertising Code referred to in Article 2.3 of the Code of Conduct.
  - o The suggestion was made to include a link to the Advertising Code on the website of Code of Conduct for easy consultation.
- The wish of the institutes to link the Common European Framework of Reference for Languages (CEFR) to the scores included in the language table (Article 5.2) was discussed as well.
  - o The suggestion will not be followed. The problem is that the CEFR is a framework and not an independent test of the level of English proficiency. The CEFR has a different approach from the language tests included in the Code of Conduct.

### Workshop recruitment

This workshop did not lead to revisions nor suggestions for the text of the Code of Conduct.

### Workshop binding

- The participants talked about the proposal to include an article in the Code of Conduct relating to the best efforts obligation for an institute to give the international student the opportunity to learn the Dutch language and to acquire cultural skills. However, they considered it difficult to include in the Code of Conduct.
  - o The suggestion was made to include a provision in the preamble of the Code of Conduct.
- According to the participants, the general quality assurances in relation to binding a student to the Netherlands were sufficiently covered in the Code.

#### Workshop international education

- The Code of Conduct is embedded properly in the internal quality management of the institutes; in this respect, there are no new points for attention relating to joint programmes.
- The Code of Conduct is included in the cooperation agreements with partner institutes. The quality standards also apply to foreign branch establishments.
- The general wording regarding the teachers' command of the language of instruction in the Code of Conduct offers the institutes enough space to elaborate on the standard and form of this provision.

#### Miscellaneous

- The new version of the Code of Conduct was intended to come into force on 1 March 2007. In the seminar, several representatives of educational institutes stated that they would like to have a transitional period so that the institutes can adapt their policies (in particular regarding recruitment and the language table).
  - o Suggestion: the new Code of Conduct will be circulated in the beginning of March 2017 and will enter into force on 1 September 2017.

The above outcomes were included in the revised text of the Code of Conduct in accordance with the suggestions, unless specified otherwise.

## Conclusions and how to proceed

The NC looks back at the procedure of the evaluation with a feeling of contentment. The evaluation resulted in a text proposal for a new version of the Code of Conduct. The NC agreed with the text, after which the document was approved of by the members of the umbrella organizations in accordance with Article 8.2 of the Code of Conduct. The Code of Conduct is a product of self-regulation by the educational institutes themselves. The new version of the Code of Conduct was circulated in March 2017 among the educational institutes that signed the Code of Conduct, the umbrella organizations, (government) parties concerned (Ministry of OCW, Inspectorate of Education, Ministry of Safety and Justice, IND, Ministry of Social Affairs and Employment, Inspectorate of Social Affairs and Employment, NVAO and Nuffic) and all participants of the seminar. The new text will enter effect on 1 September 2017. The revised text will apply to international students who register with an educational institute after 1 September 2017.

The evaluation did not lead to major revisions, but rather is a reconfirmation of the Code of Conduct. Many of the revisions of the Code of Conduct are of a textual or technical/judicial nature. In the seminar, the participants voiced their appreciation of the Code of Conduct and the activities of the NC. The educational institutes increasingly and more intensely aim at international students and do so in a manner that matches the Code. Although at times it may seem that the Code of Conduct is a 'check list', it became clear during the workshops that this was not how the staff of the educational institutes perceive it. Of course a number of conditions must be met, and in that respect it is a check list. However, the institutes stated that they would like to comply with the Code of Conduct and that they think it is important that international students are being informed adequately. In that sense, the Code of Conduct shapes the policy. The increasing internationalization of education and the growth of the number of international students may lead to more substantial revisions of the Code of Conduct in the future. Examples are the definition of international students, joint and multiple degrees and online courses. For now, the Code of Conduct is up-to-date and in line with these developments. However, it is important that this should be monitored. That is why in five years' time the next evaluation will be conducted, and the Code of Conduct may be updated early when the need arises.

The most notable revisions will be briefly discussed below:

- The preamble was shortened by merging some paragraphs and deleting others. In the seminar, several participants stated that the Code of Conduct is relatively lengthy, and that some paragraphs in the preamble were less needed as the institutes deemed internationalization and incoming student mobility and the associated additional care for the students generally accepted.
- At the request of the educational institutes the language table was updated. Already in the initial phase of the evaluation and from the various surveys it appeared that the scores did not correspond with each other and that certain variants of the language tests were no longer offered. Regarding the TOEIC language test the scores were updated and a more specific definition for the scorers to be obtained was included.
- As a corollary, an exception is included for the obligation to administer a language test to international students who have obtained the International Baccalaureate English A: Language and Literature certificate.
- The growing offer of joint and multiple degrees has also been taken into account. As for the obligation to administer a language test, it was included that the educational institutes could make further arrangements regarding the language requirement within the framework of the Code of Conduct. Such a language test then needs to be taken only once.
- The powers of the NC have been detailed in the Code of Conduct. This is a description of the current working method of the NC. The NC is authorized to impose a measure in case of violations of the Code of Conduct. Such measure may consist of an obligation to report and/or investigate and/or a temporary deletion from the register of the Code of Conduct with a note that specifies the duration of the measure. This elaboration aims to balance the powers of the NC.



### **Follow-up**

The Rules and Regulations that are linked to the Code of Conduct will also be updated in unison with the new version of the Code of Conduct. The Rules and Regulations detail the provisions of the Code of Conduct. The document will be adopted by the NC in a separate procedure and will be circulated together with the new version of the Code of Conduct. Most important was the specification of the investigating task of the NC. The NC has developed its own method, but it had not been laid down in the Rules and Regulations. Accordingly, the current method now has been laid down.

The evaluation has not only given input for a new version of the Code of Conduct, it has also resulted in more general topics that the NC would like to focus on in the coming years. Firstly this concerns the awareness that the Code of Conduct is a product of self-direction. From the many interviews it became apparent that the Code of Conduct is not always seen as a tool created by the educational institutes themselves. The Commission tries to change this and has tried to be in closer contact with the educational institutes. It has done so by for instance publishing a newsletter, a restyled and updated website and by exploratory visits to several educational institutes by the chairman of the NC. The NC will continue this line of policy.

Another issue that needs attention is that only a limited number of staff of the educational institutes is familiar with the Code of Conduct. The assumption was made that on the one hand this is because many of the provisions of the Code of Conduct have been implemented in the policy of the educational institutes and as such are no longer subject for discussion, and on the other hand the text of the Code of Conduct is being perceived as lengthy and difficult to read because of the legal language. For that reason, the NC will develop a summary for staff members and students of the institutes to easily take knowledge of the main points of the Code of Conduct. This equally applies to international students. For this group, a short video will be made to explain how exactly they may benefit from the Code. Both tools will contribute to the familiarity and accessibility of the Code. In case of problems, students must be able to retrieve the Code of Conduct quickly, and it should be clear which actions they may take. Staff should be able to familiarize themselves with the text easily. This calls for two different approaches on which the NC will focus in the coming year.

Furthermore, the NC will focus in the coming years on issues that were identified and of which it is apparent that they are not urgent and need further investigation, or might be picked up by other parties, please refer to the paragraph Findings under c. These include long-term issues that the NC will investigate. Finally, the diploma list will be updated in 2017. The list contains the diplomas which its bearers may use to apply for an exemption of the English language test. Several educational institutes indicated that this list should be extended. However, other educational institutes are of the opinion that certain diplomas should not lead to exemption of the language test. This will have to be reviewed critically. Updating the list is a separate process which the umbrella organizations will initiate.